



Details matter.

STATE DRUG TESTING LETTER NOTIFICATION REQUIREMENTS PENALTIES FOR NON-COMPLIANCE

As of January 19, 2021

State	Penalties for Non-Compliance	Statute
Arkansas	N/A	
Connecticut	"[L]iable to the person aggrieved for special and general damages, together with attorney's fees and costs."	C.G.S.A. § 31-51z
Idaho	N/A	
Iowa	"[L]iable to an aggrieved employee or prospective employee for affirmative relief including reinstatement or hiring, with or without back pay, or any other equitable relief as the court deems appropriate including attorney fees and court costs."	I.C.A. § 730.5
Maryland	"[G]uilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for the first offense and not exceeding \$500 for each subsequent conviction for a violation of the same provision."	MD Code, Health - General, § 17-216
Maine	"Any employer who violates the substance abuse testing rules will be liable to any employee subjected to discipline or discharge based on that violation for: (1) an amount equal to 3 times any lost wages; (2) reinstatement of the employee to the employee's job with full benefits; (3) court costs; and (4) reasonable attorney's fees, as set by the court"	ME Rev. Stat. Ann., tit. 26, Sec. 689
Minnesota	"[L]iable to an employee or job applicant injured by the violation in a civil action for any damages allowable at law. If a violation is found and damages awarded, the court may also award reasonable attorney fees..." "[A] court may, in its discretion, grant any other equitable relief it considers appropriate, including ordering the injured employee or job applicant reinstated with back pay."	M.S.A. § 181.956



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Mississippi	<p>“A person may bring an action for injunction relief or damages, or both if the drug testing laws were violated. If a violation of this law is found and damages are awarded, reasonable attorney fees may be awarded to the person if the court or arbitrator finds that an employer has knowingly or recklessly violated this law. In addition, relief for violations of this law also includes:</p> <ul style="list-style-type: none"> (a) the reinstatement of the person to the same position held before the unlawful drug testing, disciplinary action or discharge, or to an equivalent position; (b) the reinstatement of full employee benefits and seniority rights; (c) compensation for lost wages, benefits and other remuneration to which the person would have been entitled but for a violation of this chapter; and (d) payment by the employer of reasonable costs. 	Miss. Code Ann., Sec. 71-7-23; Sec. 71-7-25
Montana	N/A	
North Carolina	“[A] civil penalty of up to two hundred fifty dollars (\$250.00) per affected examinee with the maximum not to exceed one thousand dollars (\$1,000) per investigation...”	N.C.G.S.A. § 95-234
Oklahoma	“A prevailing party may be awarded lost wages the person would have been entitled to and an additional equal amount as liquidated damages. Interim earnings or amounts earnable with reasonable diligence by the aggrieved person shall operate to reduce the lost wages otherwise allowable. Reasonable costs and attorney fees may be awarded to the prevailing party, whether plaintiff or defendant.”	Okla. Stat tit. 40, Sec. 563, amended by H.B. 2033, L. 2011.
Vermont	<p>Civil Penalty: “A person who violates any provision of this subchapter shall be subject to a civil penalty of not less than \$500.00 nor more than \$2,000.00.”</p> <p>Criminal Penalty: “A person who knowingly violates any provision of this subchapter shall be fined not less than \$500.00 nor more than \$1,000.00 or shall be imprisoned not more than six months, or both.”</p>	21 V.S.A. § 519