



Details matter.

## STATE-SPECIFIC GUIDANCE REGARDING DRUG AND/OR ALCOHOL TEST RESULTS FOLLOW UP

*As of January 11, 2021*

State	Test Results – New Hires		Test Results – Current Employees	
	Provide copy of negative test result to new hire?	Provide copy of positive test results to new hire?	Provide copy of negative test results to current employee?	Provide copy of positive test results to current employee?
<b>Arkansas</b>  <b>Ark. Code Ann, Sec. 11-3-203(a)(1)</b>	Yes – <ul style="list-style-type: none"> <li>Upon request by the applicant</li> </ul>	Yes – <ul style="list-style-type: none"> <li>Upon request by the applicant</li> <li>If an employee tests positive for illegal drugs, then the employer and employee may agree in writing as to who will bear the costs of future required drug tests or screens.</li> </ul>	Yes – <ul style="list-style-type: none"> <li>Upon request by the applicant</li> </ul>	Yes – <ul style="list-style-type: none"> <li>Upon request by the applicant</li> <li>If an employee tests positive for illegal drugs, then the employer and employee may agree in writing as to who will bear the costs of future required drug tests or screens.</li> </ul>
<b>Connecticut</b>  <b>Sec. 31-51v.</b>	No	Yes – <ul style="list-style-type: none"> <li>Send as soon as possible (no specific timing requirement)</li> </ul>	No	Yes – <ul style="list-style-type: none"> <li>Send as soon as possible (no specific timing requirement)</li> </ul>
<b>Idaho</b>  <b>Idaho Code Ann. Sec. 72-1706(1)</b>	No	Yes – <ul style="list-style-type: none"> <li>Must receive written notice of the test result including the substance involved</li> </ul>	No	Yes – <ul style="list-style-type: none"> <li>Must receive written notice of the test result including the substance involved</li> </ul>
<b>Iowa</b>  <b>(Iowa Code, Sec. 730.5(7))</b>	No	Yes – <ul style="list-style-type: none"> <li>Send as soon as possible (no specific timing requirement)</li> <li>Must be notified in writing, and must include the name and address of the medical review officer who made the report</li> <li>Must notify new hire of right to request records under subsection 13</li> </ul>	No	Yes – <ul style="list-style-type: none"> <li>Send as soon as possible (no specific timing requirement)</li> <li>Must be sent via certified mail/return receipt requested</li> <li>Must be notified in writing of right to independent test of the same sample at employee’s expense if requested (employee must be reimbursed by employer if independent test is negative)</li> </ul>



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<b>Maryland</b>  <b>Md. Regs. Code tit. 10, Sec. R. 08</b>	No	Yes – <ul style="list-style-type: none"> <li>• Include a copy of the employer's written policy on the use/abuse of controlled substances or alcohol</li> <li>• If applicable, include written notice of the employer's intent to take disciplinary action, terminate employment, or change the conditions of continued employment</li> <li>• Send by certified mail within 30 days from the date the test was performed</li> <li>• Include a statement that the employee is permitted to request independent testing of the same sample for verification of the test result</li> </ul>	No	Yes – <ul style="list-style-type: none"> <li>• Include a copy of the employer's written policy on the use/abuse of controlled substances or alcohol</li> <li>• If applicable, include written notice of the employer's intent to take disciplinary action, terminate employment, or change the conditions of continued employment</li> <li>• Send by certified mail within 30 days from the date the test was performed</li> <li>• Include a statement that the employee is permitted to request independent testing of the same sample for verification of the test result</li> </ul>
<b>Maine</b>  <b>Me. Rev. Stat. Ann, tit. 26, Sec. 683(7)</b>	Yes – <ul style="list-style-type: none"> <li>• Must promptly notify the employee or applicant tested of the test result</li> <li>• Upon request, the employer must promptly provide a legible copy of the laboratory report to the new hire</li> </ul>	Yes – <ul style="list-style-type: none"> <li>• Must promptly notify the employee or applicant tested of the test result</li> <li>• Upon request, the employer must promptly provide a legible copy of the laboratory report to the new hire</li> </ul>	Yes – <ul style="list-style-type: none"> <li>• Must promptly notify the employee or applicant tested of the test result</li> <li>• Upon request, the employer must promptly provide a legible copy of the laboratory report to the employee</li> </ul>	Yes – <ul style="list-style-type: none"> <li>• Must promptly notify the employee or applicant tested of the test result</li> <li>• Upon request, the employer must promptly provide a legible copy of the laboratory report to the employee</li> </ul>



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<b>Minnesota</b>  <b>Minn. Stat, Sec. 181.953</b>	Yes – <ul style="list-style-type: none"> <li>• Must be informed in writing within 3 working days after receipt of test result by employer</li> <li>• Applicant must be informed of his or her right to request and receive from the employer a copy of the test result report</li> </ul>	Yes – <ul style="list-style-type: none"> <li>• Must be informed in writing within 3 working days after receipt of test result by employer</li> <li>• Applicant must be informed of his or her right to request and receive from the employer a copy of the test result report</li> <li>• Must be given written notice of the right to explain the positive test</li> <li>• Must be informed of right to request a confirmatory retest of the original sample at the new hire’s own expense</li> <li>• Additional confirmatory testing and discharge requirements under Subd. 10 &amp; 11</li> </ul>	Yes – <ul style="list-style-type: none"> <li>• Must be informed in writing within 3 working days after receipt of test result by employer</li> <li>• Applicant must be informed of his or her right to request and receive from the employer a copy of the test result report</li> </ul>	Yes – <ul style="list-style-type: none"> <li>• Must be informed in writing within 3 working days after receipt of test result by employer</li> <li>• Applicant must be informed of his or her right to request and receive from the employer a copy of the test result report</li> <li>• Must be given written notice of the right to explain the positive test</li> <li>• Must be informed of right to request a confirmatory retest of the original sample at the new hire’s own expense</li> <li>• Additional confirmatory testing and discharge requirements under Subd. 10 &amp; 11</li> </ul>



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<b>Mississippi</b>  <b>Miss. Code Ann, Sec. 71-7-9(10)</b>	No	No	No	Yes— <ul style="list-style-type: none"> <li>• Within 5 working days after receipt of a positive confirmed test result report from the laboratory that conducted the test, an employer must, in writing, inform an employee of the positive test result and inform the employee in writing of the consequences of such a report and the options available to him or her</li> <li>• Within 10 working days after receiving notice of a positive confirmed test result, the employee may submit information to an employer explaining the test results, and why the results do not constitute a violation of the employer's policy.</li> <li>• If the employer is not satisfied with the employee's explanation, a written explanation submitted by the employer as to why the employee's explanation is unsatisfactory, along with the report of positive results, must be made a part of the employee's medical and personnel records</li> <li>• The employer must verify with another positive test before taking action</li> </ul>



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<b>Montana</b>  <b>Mont. Code Ann., Sec. 39-2-207</b>	Yes – <ul style="list-style-type: none"> <li>Send as soon as possible (no specific timing requirement)</li> </ul>	Yes – <ul style="list-style-type: none"> <li>Detailed letter required along with results</li> <li>Send as soon as possible (no specific timing requirement)</li> <li>Right to independent test of the same sample at employee’s expense (employee must be reimbursed by employer if independent test is negative)</li> </ul>	Yes – <ul style="list-style-type: none"> <li>Send as soon as possible (no specific timing requirement)</li> </ul>	Yes – <ul style="list-style-type: none"> <li>Detailed letter required along with results</li> <li>Send as soon as possible (no specific timing requirement)</li> <li>Right to independent test of the same sample at employee’s expense (employee must be reimbursed by employer if independent test is negative)</li> </ul>
<b>North Carolina</b>  <b>NC Admin. Code tit. 13, Sec. 13 NCAC 20.0402</b>	No	Yes – <ul style="list-style-type: none"> <li>Must be sent in writing within 30 days of receipt of results by employer</li> <li>Must be informed of rights and responsibilities regarding retesting under G.S. § 95-232(f)</li> </ul>	No	Yes – <ul style="list-style-type: none"> <li>Must be sent in writing within 30 days of receipt of results by employer</li> <li>Must be informed of rights and responsibilities regarding retesting under G.S. § 95-232(f)</li> </ul>
<b>Oklahoma</b>  <b>Okla. Stat. tit. 40, Sec. 562, as amended by H.B. 2033, L. 2011</b>	No	No, unless employee requests the results. If requested – <ul style="list-style-type: none"> <li>Send as soon as possible (no specific timing requirement)</li> <li>Right to independent test of the same sample at employee’s expense if requested within 24 hours from receiving results either from the MRO or from employer (employee must be reimbursed by employer if independent test is negative)</li> </ul>	Upon request	No, unless employee requests the results. If requested – <ul style="list-style-type: none"> <li>Send as soon as possible (no specific timing requirement)</li> <li>Right to independent test of the same sample at employee’s expense if requested within 24 hours from receiving results either from the MRO or from employer (employee must be reimbursed by employer if independent test is negative)</li> </ul>



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<b>Vermont</b>  <b>VT Stat. Ann. tit. 21, Sec. 515(a) &amp; (b)</b>	No	Yes— <ul style="list-style-type: none"> <li>A Medical Review Officer (MRO) must personally contact to explain the results when positive. The MRO must also explain why the results might not be accurate.</li> <li>The MRO must provide an opportunity to retest a portion of the sample at an independent laboratory and consider the subsequent results (this test will be at the expense of the person tested)</li> </ul>	No	Yes— <ul style="list-style-type: none"> <li>A Medical Review Officer (MRO) must personally contact to explain the results when positive. The MRO must also explain why the results might not be accurate.</li> <li>The MRO must provide an opportunity to retest a portion of the sample at an independent laboratory and consider the subsequent results (this test will be at the expense of the person tested)</li> </ul>