

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

2

SENATE BILL 723
Second Edition Engrossed 4/30/91

Short Title: Controlled Substance Exams.

(Public)

Sponsors: Senator Block.

Referred to: Judiciary II.

April 22, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH SAFEGUARDS FOR CONTROLLED SUBSTANCE
3 EXAMINATIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 95 of the General Statutes is amended by adding the
6 following new Article to read:

7 **“ARTICLE 20.**

8 **“CONTROLLED SUBSTANCE EXAMINATION REGULATION.**

9 **“§ 95-230. Purpose.**

10 The General Assembly finds that individuals should be protected from unreliable
11 and inadequate examinations and screening for controlled substances. The purpose of
12 this Article is to establish procedural and other requirements for the administration of
13 controlled substance examinations.

14 **“§ 95-231. Definitions.**

15 As used in this Article, unless the context clearly requires otherwise:

- 16 (1) ‘Controlled substance’ is as defined in G.S. 90-87(5) or a metabolite
17 thereof.
18 (2) ‘Examiner’ means a person, firm, or corporation, doing business in the
19 State, including State, county, and municipal employers, and who
20 performs or has performed by another person a controlled substance
21 examination.
22 (3) ‘Examinee’ means an individual who is requested or required by an
23 examiner to submit to a controlled substance examination.

1 **"§ 95-232. Procedural requirements for the administration of controlled substance**
2 **examinations.**

3 (a) An examiner who requests or requires an examinee to submit to a controlled
4 substance examination shall comply with the procedural requirements set forth in this
5 section.

6 (b) Collection of samples: the collection of samples for examination or screening
7 shall be performed under reasonable and sanitary conditions. Individual dignity shall be
8 preserved to the extent practicable. Samples shall be collected in a manner reasonably
9 calculated to prevent substitution of samples and interference with the collection,
10 examination, or screening of samples.

11 (c) Approved labs: the examiner shall use only laboratories that have
12 demonstrated satisfactory performance in the proficiency testing programs of the
13 National Institute on Drug Abuse, or the College of American Pathology. An approved
14 lab shall confirm any sample that produces a positive result by a second examination of
15 the sample utilizing gas chromatography with mass spectrometry or an equivalent
16 scientifically accepted method.

17 (d) Split samples: a portion of every sample that produces a confirmed positive
18 examination result shall be preserved by the laboratory that conducts the confirmatory
19 examination for a period of at least 90 days from the time the results of the confirmed
20 positive examination are mailed or otherwise delivered to the employer.

21 (e) Chain of custody: the examiner or his agent shall establish procedures
22 regarding chain of custody for sample collection and examination to ensure proper
23 record keeping, handling, labeling, and identification of examination samples.

24 **"§ 95-233. No duty to examine.**

25 Nothing in this Article shall be construed to place a duty on examiners to conduct
26 controlled substance examinations."

27 Sec. 2. This act becomes effective October 1, 1991.