

50 State Survey: Drug-Free Workplace Programs

(Sept. 1, 2009) (U.S. Dept. of Labor)

<http://www.dol.gov/asp/programs/drugs/said/StateLawList.asp#CA>

State	Division	Contact	Summary of laws
ALABAMA	Unemployment Compensation	Alabama Department of Industrial Relations 649 Monroe Street Montgomery, AL 800-528-5166 or 334-242-2868	The state law may deny benefits where there is a confirmed positive blood or urine drug test for drugs, provided the employee received a written warning pursuant to the employer's reasonable drug policy. A confirmed positive drug test conducted in accordance with the U.S. Department of Transportation's testing standards or standards shown by the employer to be otherwise reliable, provides a conclusive presumption of impairment. A refusal-to-test or tampering with a blood or urine test will also disqualify employees from eligibility for benefits. Alabama Code §25-4-78 (Supp. 2005) and 49 C.F.R. Part 40
ALABAMA	Workers' Compensation	Alabama Department of Industrial Relations 649 Monroe Street Montgomery, AL 800-528-5166 or 334-242-2868	The state's law may deny benefits if the employee's injury was due to intoxication from the use of alcohol or being impaired by illegal drugs. A positive drug test performed in accordance with the U.S. Dept. of Transportation's regulations is considered a conclusive presumption of intoxication. An employee's refusal to undergo a drug test also is a valid basis for denial of workers' compensation if the employer warns the employee, in writing, that such a refusal forfeits the employee's right to compensation under the law. Alabama Code §25-5-51 (2000)
ALABAMA	Workers' Compensation Premium Discount Act	Alabama Department of Industrial Relations 649 Monroe Street Montgomery, AL 800-528-5166 or 334-242-2868	The state has a voluntary law that provides a 5% discount to employers who establish and maintain an annually certified drug-free workplace program in compliance with the Act. Self-insured employers are not eligible. Details on the Act can be found on the Alabama State Law--Drug Free Workplace Act page .
ALABAMA	Drug-Free Workplace Act	Alabama Department of Industrial Relations 649 Monroe Street Montgomery, AL 800-528-5166 or 334-242-2868	It is the intent of the Legislature to promote drug-free workplaces. Alabama Code §25-5-330 to 25-5-340 (2000) [Note: To see sequential sections of the Code (reference the list below), change the number at the end of the URL in your browser address field.] and Alabama Admin. Code. Rr. 480-5-6-01 to -.04 (1996) Article 13 Drug-free Workplace Program <ul style="list-style-type: none"> • Section 25-5-330 Legislative intent • Section 25-5-331 Definitions • Section 25-5-332 Premium discount where drug-free workplace program implemented • Section 25-5-333 Elements of program • Section 25-5-334 Notice of testing; written policy statement • Section 25-5-335 Types of tests; procedures for specimen collection and testing; laboratory; confirmation of tests

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			<ul style="list-style-type: none"> • Section 25-5-336 Employee assistance program or resource file of employee assistance providers • Section 25-5-337 Semiannual education program; supervisor training • Section 25-5-338 Construction of article • Section 25-5-339 Confidentiality of information • Section 25-5-340 Department of Industrial Relations to perform administrative duties for certification of employers
ALASKA	Transportation Drug Testing		
ALASKA	Drug Testing	Legislative Affairs Agency Legislative Information 130 Seward Street, Suite 313 Juneau, AK 907-465-4648	<p>No mandatory drug testing law.</p> <p>ALASKA Voluntary Drug Testing Act is a voluntary law which provides legal protection to employers who establish a drug and alcohol policy and testing program in compliance with the act. In order to receive the benefits of the law, employers must implement a comprehensive policy and must adhere to specific collection, testing, and confidentiality procedures.</p> <p>Alaska Stat. §23.10.600 - 23.10.699 (2002)</p>
ALASKA	Workers' Compensation	Legislative Affairs Agency Legislative Information 130 Seward Street, Suite 313 Juneau, AK 907-465-4648	<p>ALASKA Workers' Compensation Injuries proximately caused by the employee's intoxication or use of non-prescribed drugs are not compensable.</p> <p>Alaska Stat. §23.30.235 (2002)</p> <p>The presumption does exist, however, that an employee's injury was not proximately caused by intoxication or illegal drug use; employers must present substantial evidence to overcome this presumption.</p> <p>An uninsured employer may not be liable if employee negligence was willful and with intent to cause the injury or was the result of willful intoxication on the part of the injured party.</p> <p>Alaska Stat. §23.30.120 (2002)</p>
ARIZONA	Drug Testing	Arizona Senate Senate Secretaries' Office 1700 West Washington Phoenix, AZ 612-542-4231	<p>No state mandatory drug-testing law.</p> <p>Voluntary "Arizona Private-Sector Workplace Drug-testing and Alcohol Impairment Act" provides legal protection (no cause of action may be brought for adverse employment actions taken in good faith based upon a positive drug or alcohol impairment test) to employers who have established an alcohol-testing or drug-testing program that meets the requirements of the Act.</p> <p>Ariz. Rev. Stat. Ann. §§ 23-493 to -493.11 (1995 and Supp. 2005).</p> <p>[Note: To see sequential sections of the Code, use the "Next Document" button on the state page.]</p>
ARIZONA	Unemployment Compensation	Arizona Senate Senate Secretaries' Office 1700 West Washington Phoenix, AZ 612-542-4231	<p>An employee may be denied benefits if discharged for willful misconduct (failure to pass or refusal to take a drug or alcohol test pursuant to the Private-Sector Workplace Drug-testing and Alcohol Impairment Act; repeated intoxication, and any effects or aftereffects on job performance).</p> <p>Ariz. Rev. Stat. Ann. § 23-619.01 (1995) and Ariz. Rev. Stat. Ann. § 23-775 (1993) and Regarding state employee dismissal: Ariz. Rev. Stat. § 41-770</p>

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			http://www.arkleg.state.ar.us/NXT/gateway.dll/ARCode/title10099.htm/subtitle10663.htm/section10675.htm?f=templates\$fn=document-frame.htm\$3.0#JD_11-14-112
ARIZONA	Workers' Compensation		Injury or death may not be compensable under the law when substantially caused by employee use of alcohol or unlawful use of drugs, except when employer had knowledge of or permitted or condoned this use, or if employee fails to pass, refuses to cooperate with, or refuses a drug or alcohol test AND the employer is in compliance with the voluntary act. An employee may be entitled to benefits if he can prove that the use was not a contributing cause of the injury, BAC was lower than .10 percent, or the test used cut-off levels that were lower than the federal DOT levels. [Note: This law has been ruled unconstitutional in case law.] Ariz. Rev. Stat. § 23-1021 (Supp. 2006)
ARIZONA	Transportation Drug Testing		Testing for School Transportation Employees Ariz. Rev. Stat. §15-513 Drug Testing for School Bus Drivers Ariz. Rev. Stat. §28-3228 Testing for Hoist Operators Ariz. Rev. Stat. §27-351
ARKANSAS	Workers' Compensation Premium Discount	Arkansas Workers' Compensation Commission POB 950 Little Rock, AR 501-682-2063	Voluntary Workers' Compensation Premium Reduction Law provides a minimum 5% discount to employers who implement and maintain a certified drug-free workplace program. Ark. Code Ann. § 11-14-112 http://www.arkleg.state.ar.us/NXT/gateway.dll/ARCode/title10099.htm/subtitle10663.htm/section10675.htm?f=templates\$fn=document-frame.htm\$3.0#JD_11-14-112
ARKANSAS	Transportation Drug Testing		Any person employed by a State employer in a safety-sensitive transportation job, or who has submitted an application for employment with an employer in the State in a safety-sensitive transportation job, for which drug and alcohol tests are required under the Federal Motor Carrier Safety Regulations and who holds a commercial driver's license shall submit to drug and alcohol testing. The employer must report to the State Office of Driver Services the results of the alcohol screening test, or the refusal to provide a specimen for the screening test, within 3 business days. The State Office of Driver Services shall maintain the information received, which is considered confidential, in a database, to be known as the Commercial Driver Alcohol and Drug Testing Database, for at least 3 years. An employer can request information from the database for each employee who is subject to drug and alcohol testing. The penalty for an employer who knowingly fails to check the database as required is \$1,000, effective July 1, 2008. The penalty for knowingly hiring an employee with a record of a positive alcohol or drug test in the database is \$5,000. The penalty for an employer who knowingly fails to report an occurrence regarding a drug test is \$500. Such penalties do not apply to the State or to an agency or political subdivision of the State. CDL Driver Testing Ark. Code Ann. §§ 27-23-201 to 27-23-211 (2008) http://www.arkleg.state.ar.us/NXT/gateway.dll/ARCode/title36719.htm/subtitle36747.htm/chapter37414.htm/subchapter37444.htm
ARKANSAS	Drug Free Workplace	Arkansas Bureau of Alcohol and Drug Abuse Prevention Department of	It is the intent of the General Assembly to promote drug-free workplaces in order that employers in this state may be afforded the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace and reach their desired levels of success without experiencing the costs, delays and tragedies associated with work-related accidents resulting from drug or alcohol abuse by employees. Ark. Code Ann. §§11-14-101 to 11-14-112 (2002 & Supp. 2003)

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		Human Services Sheila Duncan 4313 West Markham Little Rock, AR 501-686-9867 501-686-9035	http://www.arkleg.state.ar.us/NXT/gateway.dll/ARCode/title10099.htm/subtitle10663.htm and Act 1552 of 1999 and Ark. Regs. Rule 36 http://www.arkleg.state.ar.us/ftproot/acts/1999/hm/act1552.htm and Act 1757 http://www.arkleg.state.ar.us/NXT/gateway.dll/HActs/session09578/act11335.htm
ARKANSAS	Unemployment Compensation	Secretary of State 256 State Capitol Building Administrative Office Little Rock, AR 501-682-1010	Benefits are denied for drinking alcohol on the job, reporting to work intoxicated with alcohol or controlled substances, or testing positive for illegal drugs in accordance with Federal DOT procedures and employer's written drug policy. Ark. Code Ann. §11-10-514(b)(2002) http://www.arkleg.state.ar.us/NXT/gateway.dll/ARCode/title10099.htm/subtitle10448.htm/chapter10520.htm/section10534.htm
ARKANSAS	Workers' Compensation	Secretary of State 256 State Capitol Building Administrative Office Little Rock, AR 501-682-1010	Benefits will be denied when an accident substantially results from the use of alcohol, illegal drugs, or prescription drugs used in contravention of doctor's instructions, the presence of which creates a rebuttable presumption that they are the cause of the accident. Employees are deemed to have consented to testing by performing services for the employer. Ark. Code Ann. §11-9-102(4)(B)(iv)(Supp. 2005) Ark. Code Ann. §11-9-401(a) Ark. Code Ann. §11-9-707
CALIFORNIA	Transportation Drug Testing		School Bus Driver Testing--Drivers of school transportation vehicles (those which are not a school bus, school pupil activity bus, or youth bus and which are not used for the primary purpose of transporting children) who are employed to drive such vehicles and who are not otherwise required to participate in a testing program of the U.S. Secretary of Transportation shall participate in a program that is consistent with the controlled-substance and alcohol use and testing requirements of the U.S. Secretary of Transportation that apply to school busdrivers and that are set forth in Title 49 of the Code of Federal Regulations. Motor Carriers—Motor carriers and drivers must comply with DOT drug and alcohol testing requirements. Cal Veh. Code §§ 34520 and Cal Veh. Code §34623 (Supp. 2004) Motor Carriers—A motor carrier may be liable for triple damages for any injury proximately caused by driver under the influence of alcohol or a controlled substance at the time of the accident, or for willfully failing to comply with DOT testing requirements. Cal. Civ. Code § 3333.7 (Supp. 2004) Transit Development Boards/Testing Public Utilities Code §120269 Railroad Testing Public Utilities Code §7679
CALIFORNIA	Drug Testing	Legislative Bill Room State Capitol Room B32	Alcohol and Drug Rehabilitation—Employers of 25 or more must reasonably accommodate employee wishes to participate in a rehabilitation program, provided no undue hardship is created. Cal. Lab. Code §1025 et seq. (1989)

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		Sacramento, CA 916-445-2323	Payment for Medical Examination—Employee may not have to pay for pre-employment or continuing employment exam. Cal. Lab. Code §222.5 (1989 and Supp. 2006) On-Site Testing--The California Department of Health interprets the state's laboratory licensing law to prohibit any drug test not performed in a certified laboratory or by a licensed physician. Cal. Bus. & Prof. Code § 1206 (West. 2003)
CALIFORNIA	Unemployment Compensation	Legislative Bill Room State Capitol Room B32 Sacramento, CA 916-445-2323	Benefits denied for chronic absenteeism due to intoxication, reporting to work intoxicated, using intoxicants on the job, for gross neglect of duty while intoxicated, or for leaving employment for reasons caused by an irresistible compulsion to use intoxicants. Cal. Unemp. Ins. Code §§1256.4-1256.5 (Supp. 2006) and Cal. Unemp. Ins. Code § 2626
CALIFORNIA	Workers' Compensation	Legislative Bill Room State Capitol Room B32 Sacramento, CA 916-445-2323	Benefits denied if injury is caused by employee's intoxication by alcohol or drugs. Cal. Lab Code §3600 (Supp. 2004) and Cal. Lab Code § 5705
CALIFORNIA	Drug-Free Workplace	Legislative Bill Room State Capitol Room B32 Sacramento, CA 916-445-2323	State contractors and grantees required to certify that they have a published and distributed policy on controlled substances and consequences of violation, and a drug-awareness program. Cal. Gov't Code §§ 8350-8357 (1997) http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISSdocID=14083925896+0+0+0&WAISSaction=retrieve and http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISSdocID=14083925896+1+0+0&WAISSaction=retrieve
COLORADO	Workers' Compensation	Legislative Services Building Denver, CO 303-866-3055	State law provides that benefits may be reduced by 50% when injury results from presence during working hours of non-prescribed drugs or alcohol of 0.10 or more (or at or above a lower level set by federal statute or regulation). Positive test creates a presumption of intoxication and that injury was due to intoxication, although this presumption may be overcome by clear and convincing evidence. Employee pays for requested retest. Colo. Rev. Stat. § 8-42-112.5 (2002)
COLORADO	Unemployment Compensation	Legislative Services Building Denver, CO 303-866-3055	State law provides benefits may be denied for off-job use of non-prescribed substances or alcohol if it interferes with job performance, on-job use or distribution, or testing positive for non-prescribed substances or alcohol at or above 0.04 (or a lower level set by federal statute or regulation). Benefits may be provided if employee admits to being an alcoholic or drug addict and provides doctor's note and proof of enrollment in a rehabilitation program. Colo. Rev. Stat. Ann. § 8-73-108 (Supp. 2005)
CONNECTICUT	Unemployment Compensation	Connecticut State Library Bill Information Room 231 Capitol Avenue Hartford, CT 860-566-4544	Employer not charged for benefits when employee violated employer's drug-testing policy (established in accordance with state or federal law). Conn. Gen. Stat. § 31-225a (2003) Benefits denied if employee disqualified under state or federal law from performing work as a result of drug or alcohol testing program mandated by and conducted in accordance with such law. Conn. Gen. Stat. Ann. § 31-236 (2003)
CONNECTICUT	Drug Testing	Connecticut State	Preemployment, For-Cause, Post-Accident, Rehabilitation, and Safety-Sensitive testing permitted.

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		Library Bill Information Room 231 Capitol Avenue Hartford, CT 860-566-4544	Conn. Gen. Stat. §31-51t et seq (2003) Conn. Gen. Stat. §19a-30 (2003) Conn. Gen. Stat. §31-128a to –128h (2003) Conn. Gen. Stat. §14-261a et seq. (2003) Conn. Agencies Regs. §19a-36-D29 (1996)
CONNECTICUT	Workers' Compensation	Connecticut State Library Bill Information Room 231 Capitol Avenue Hartford, CT 860-566-4544	Benefits denied when accidental injury, disability, or death due to use of alcohol or narcotics. Conn. Gen. Stat. § 31-275 (2003)
CONNECTICUT	Transportation Drug Testing		Drivers of motor vehicles in excess of 10,000 pounds, mechanics of those vehicles or other commercial vehicles, and forklift operators may be required to submit to testing in accordance with Federal DOT regulations, even if testing is not mandated by Federal regulation. Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators Conn. Gen. Stat. Sec. 14-261b Regulations re school bus operators and operators of student transportation vehicles; qualifications; training. Preemployment drug test required for operators Conn. Gen. Stat. Sec. 14-276a
DELAWARE	Workers' Compensation		Benefits denied if accident or injury resulted from intoxication; burden is on the employer to prove the intoxication was the cause of the accident or injury Del. Code Ann. Tit. 19, § 2353 (1995)
DELAWARE	Transportation Testing		School bus drivers testing Del. Code Ann. § 2910 and Del. Code Ann. § 2708 CDL testing Del. Code Ann. § 2612
DELAWARE	Drug Testing		The State Code was amended such that all public-works contracts, which are paid in whole or in part through public funds, will include provisions requiring the contractor, its agents, and its employees to implement a mandatory drug-testing program for all employees or agents working on the jobsite in nonclerical positions. Provisions governing mandatory drug testing shall be incorporated into all public-works contracts, and the rules governing the administration of such tests shall be promulgated by the director of the State Office of Management and Budget. Rules promulgated pursuant to the changes in the code shall not require a contractor to disclose any results of drug testing to law enforcement officials. However, the rules promulgated shall require that any contractor, agent, or employee who fails a mandatory drug test not be permitted to work on any public-works jobsites until 30 days after passing the drug test. Any State Department of Education employee working in the prison education program and whose

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			<p>permanent work assignment location resides within or on the campus of a State Department of Correction Level 5 or Level 4 facility must submit to the same random drug-testing procedure required of State Department of Correction employees.</p> <p>Home health agency testing Del. Code Ann. § 1146</p> <p>Dept. of Corrections testing Del. Code Ann. §§ 8920-8926</p>
DISTRICT OF COLUMBIA	Workers' Compensation		Benefits denied if injury caused solely by intoxication. D.C. Code Ann. § 32-1503 (d) (2001)
DISTRICT OF COLUMBIA	Unemployment Compensation		Benefits denied for gross misconduct (including intoxication, use or impairment by alcohol, controlled substance or other intoxicant, or possession of a controlled substance); if violation of employer's rules is basis for disqualification then employee must know of the rule, which must be reasonable and consistently enforced; burden of proof is on employer. D.C. Code Ann. § 51-101 to 51-110 (2001)
FLORIDA	Workers' Compensation Premium Discount Act		<p>Voluntary law provides a 5% discount for implementing and maintaining an annually certified drug-free workplace program (including drug and alcohol testing) in compliance with the Act, and provides that a positive test creates a rebuttable presumption that the employee be denied benefits. Fla. Stat. Ann. §§ 440.101 to .102 (2003)</p> <p>Rate filing; workers' compensation, drug-free workplace, and safe employers Fla. Stat. Ann. §627.0915</p> <p>Drug-free workplace standards Fla. Admin. Code Ann. Rule 59A-24 (2000)</p>
FLORIDA	Drug-Free Workplace Act	Department of State Bureau of Administrative Code and Law 401 South Monroe, Elliot Building Tallahassee, FL 904-488-8427	<p>The Florida Drug-Free Workplace Act provides that any state agency may test certain employees and job applicants for the use of drugs. The law does not require the testing of employees or applicants, but mandates that any agency which does choose to test do so in accordance with specified methods and procedures outlined in the Act. Fla. Stat. Ann. § 112.0455</p> <p>Where two or more bids of equal merit are submitted to win a contract, there is a preference given to businesses with drug-free workplace programs. Fla. Stat. Ann. § 287.087</p> <p>Building construction and electrical and alarm contractors performing work related to public school system facilities, public property, publicly owned buildings, or state correctional facilities are required to implement a drug-free workplace program in compliance with the Workers' Compensation Premium Reduction Act. Fla. Stat. Ann. § 440.102 (15) (2003)</p> <p>The State Division of Pari-mutuel Wagering has adopted and implemented certain rules and procedures that apply to licensees of slot machine gaming. One of those rules is that the licensees</p>

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			must implement a drug-testing program for employees that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the slot machine facility is a drug-free workplace. The division may impose a civil fine of up to \$5,000 for each violation of the rules and procedures in place under the State statute affecting gaming.
FLORIDA	Unemployment Compensation	Department of State Bureau of Administrative Code and Law 401 South Monroe, Elliot Building Tallahassee, FL 904-488-8427	Benefits denied to rejected applicant or discharged employee who tests positive on drug-test, which if part of a drug-free workplace program pursuant to the Workers' Compensation Premium Reduction Act or equivalent standard established by federal law or regulation creates a rebuttable presumption that applicant or employee used controlled substances. Fla. Stat. Ann. § 443.101 (2005)
FLORIDA	Workers' Compensation	Department of State Bureau of Administrative Code and Law 401 South Monroe, Elliot Building Tallahassee, FL 904-488-8427	Medical and indemnity benefits are forfeited, and an employee may be discharged for testing positive for alcohol or a prohibited drug, or refuses to test, provided the employer has a program in compliance with the Workers' Compensation Premium Reduction Act. Fla. Stat. Ann. § 440.101 (2003) Benefits denied if injury caused primarily by employee's intoxication or use of drugs not prescribed by physician. If employer does not have a certified program, an injured employee's positive test or refusal to test creates a rebuttable presumption that the injury was caused primarily by the impairment, unless the employer had actual knowledge of and acquiesced while employee was under the influence. Fla. Stat. Ann. § 440.09 (Supp. 2006)
GEORGIA	Drug-Free Workplace Act	Secretary of Senate Room 353 State Capitol Atlanta, GA 404-656-5040	Table of Contents accessed here for all codes: http://www.lexis-nexis.com/hottopics/gacode/default.asp Drug-Free Workplace Programs It is the intent of the General Assembly to promote drug-free workplaces in order that employers in this state be afforded the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace, and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work related accidents resulting from substance abuse by employees. Ga. Code Ann. § 34-9-410 to 34-9-421 (1998 and Supp. 2003) (see Article 11) Drug-Free Public Work Force Public employees in high-risk jobs may be subject to random drug testing. Refusal to submit to a random test or testing positive results in termination from employment. Ga. Code Ann. § 45-23-1 to 45-23-9 Random Drug Testing of High-Risk Jobs Employees Ga. Code § 45-20-90 to 45-20-93 (See Article 5)

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			<p>Drug Testing for State Employment Ga. Code § 45-20-110 to 45-20-111 (See Article 6)</p> <p>Requires individuals and subcontractors who receive state contracts of \$25,000 or more to certify that they have a published and distributed policy on controlled substances and consequences of violation, a drug-awareness program, and notified employees of their responsibility to report convictions within five days. Ga. Code Ann. §§ 50-24-1 to 50-24-6 (2002)</p>
GEORGIA	Workers' Compensation	State Board of Workers' Compensation Drug-Free Workplace Program 270 Peachtree Street, NW Atlanta, GA 404-656-2048	<p>Benefits are denied when injury or death is due to intoxication or being under the influence of a controlled substance, unless prescribed by a physician; refusal to test, or alcohol test taken within 3 hours of accident showing BAC of 0.08 or a positive drug-test within 8 hours of accident, creates a rebuttable presumption that the injury was caused by alcohol or drug use. Ga. Code Ann. § 34-9-17 (1998) (see Article 1)</p>
GEORGIA	Workers' Compensation Premium Reduction Act	State Board of Workers' Compensation Drug-Free Workplace Program 270 Peachtree Street, NW Atlanta, GA 404-656-2048	<p>Voluntary law provides a minimum of 7.5% discount on premiums to employers who implement and maintain an annually certified drug-free workplace program in compliance with the Act, and to self-insured employers who implement a program substantially in compliance with the Act. Ga. Code Ann. § 33-9-40.2 (Supp. 2005)</p>
GEORGIA	Unemployment Compensation		<p>Benefits denied for violating employer's drug-free workplace policy; burden of proof for cause in on the employer, and the presumption of eligibility is with the employee; employer may introduce a drug and/or alcohol test to demonstrate violation of policy, which will create a rebuttable presumption of violation, which can be disputed by employee by submitting laboratory test results. Ga. Code Ann. §34-8-194 (2) (c) (Supp. 2005) (see Article 7)</p>
HAWAII	Workers' Compensation Premium Reduction Act		<p>Workers' Compensation Premium Discount Program Insurance carriers must offer a discount of at least five percent on insurance rates to employers who maintain an effective safety and health program. The act does not specifically mention drug-free workplace programs, but does direct the Department of Labor and Industrial Relations to issue standards and rules. Haw. Rev. Stat. §431:14-103. (1997)</p>
HAWAII	Drug Testing	Legislative Reference Bureau State Capitol Building Room 446 Honolulu, HI	<p>The law includes comprehensive procedural guidelines regarding workplace substance abuse testing. Although the requirements are primarily the responsibility of the laboratory, there are some provisions which directly impact employers. Hawaii Rev. Stat. Ann. §§ 329B-1 to 329B-8 (2004)</p> <p>The State Revised Statutes were amended by modifying the definitions of two key terms. A substance</p>

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		808-587-0666	abuse onsite screening test is now defined as a portable substance abuse test that meets the requirements of the United States Food and Drug Administration for commercial distribution or is manufactured by a facility that is minimally certified as meeting the standards established by the International Organization for Standardization and that may be used by an employer in the workplace. A substance abuse test is any testing procedure designed to take and analyze body fluids or other materials from the body for the purpose of measuring the amount of drugs, alcohol, or the metabolites of drugs in the sample test. Every employer shall administer the test according to the package insert that accompanies the test. Employers shall have the employee or prospective employee report, within 4 hours after testing positive, to a laboratory licensed by State regulation, and the employers are required to bear the cost of the laboratory testing. Employers are empowered to take punitive action against any employee who fails to show up for the laboratory test. All information concerning the substance abuse onsite screening test shall be strictly confidential. Under certain circumstances, employers are prohibited from discharging, suspending, or discriminating against any employee who tests positive for the presence of drugs, alcohol, or the metabolites of drugs.
HAWAII	Workers' Compensation	Legislative Reference Bureau State Capitol Building Room 446 Honolulu, HI 808-587-0666	Compensation denied if an employee's injury was incurred by his or her intoxication. Haw. Rev. Stat. § 386-3 (2004) In the absence of substantial evidence to the contrary, it is presumed that the injury was not caused by the intoxication of the injured employee. Haw. Rev. Stat. § 386-85(3)
IDAHO	Workers' Compensation	Legislative Services Boise, ID 208-334-3175	Workers' compensation payments may be reduced by 50% when the proximate cause of the injury is the employee's use of intoxicants. Idaho Code 72-208 (1999)
IDAHO	Drug-free Workplace Act		Idaho Employer Alcohol and Drug-Free Workplace Act Idaho Code §§ 72-1701 to 72-1717 (1999 and Supp. 2002)
IDAHO	Workers' Compensation Premium Reduction Act		Employers who implement and maintain a drug-free workplace program in accordance with the state's voluntary drug testing law receive a premium discount of up to 5%. Idaho Code 72-1716
IDAHO	Unemployment Compensation		PERSONAL ELIGIBILITY CONDITIONS-Misconduct Idaho Code §72-1366 (5) (Supp. 2004) DISCHARGE FOR WORK-RELATED MISCONDUCT -- FAILURE OR REFUSAL OF TESTING Idaho Code §72-1707 (Supp. 2002) FAILURE OF CLAIMANT TO ACCEPT SUITABLE WORK Idaho Code §72-1709 (Supp. 2002)
IDAHO	Drug Testing	Legislative Services Boise, ID	A law relating to employee assistance programs clarifies that information communicated in an EAP session is privileged and confidential, and that employers do not have a right to this information, nor can they be held liable for information communicated during an EAP session.

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		208-334-3175	<p>Idaho Code Sect. 44-202 (1999)</p> <p>Welfare to Work-Screening and Testing It is the intent of the legislature that the provisions of this act enhance the employability of participants in the temporary assistance for families in Idaho (TAFI) programs through substance abuse screening and, where appropriate, testing and treatment. Idaho Code Sect. 56-209i and Idaho Code Sect. 56-209j</p>
ILLINOIS	Drug Testing		<p>Medical Examination Costs No employer shall require any employee or applicant for employment to pay the cost of a medical examination. 820 ILCS 235/</p> <p>Defrauding drug and alcohol screening tests. 720 ILCS 5/17-28</p> <p>"Handicap" defined 775 ILCS 5/2-104 (C)(1.2)</p>
ILLINOIS	Transportation Testing		<p>Regional Transportation Authority testing 70 ILCS 3615/2.24</p> <p>School Bus Driver testing 625 ILCS 5/6-106.1</p>
ILLINOIS	Drug-Free Workplace Requirements		<p>Drug Free Workplace Act 30 ILCS 580/</p> <p>Substance Abuse Prevention on Public Works Projects Act 820 ILCS 265</p>
INDIANA	Unemployment Compensation	Legislative Services 200 West Washington Street Suite 230 Indianapolis, IN 317-232-9856	<p>An employee who is discharged for "just cause" is disqualified from receiving unemployment compensation benefits. "Just cause" includes reporting to work under the influence of alcohol or drugs, consuming alcohol or drugs on the employer's premises during work hours, or knowingly violating a reasonable and uniformly enforced work rule. Indiana Code Ann. 22-4-15-1 (d) (6) (Supp. 2003)</p>
INDIANA	Workers' Compensation	Legislative Services 200 West Washington Street Suite 230 Indianapolis, IN 317-232-9856	<p>Benefits denied to employees whose injury or death was caused by his or her intoxication. Indiana Code Ann. 22-3-2-8 (1997) and Indiana Code Ann. 22-3-7-21 (1993)</p>
INDIANA	Drug Testing		<p>The State Code was amended to require employees of public-works contractors to be tested for drugs. Solicitations for public-works contracts must require that each contractor include with its bid a written</p>

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			<p>plan for testing its employees for drugs. Bids that lack such a plan may not be awarded the contract. A contractor's employee drug-testing program must satisfy the following criteria: (1) each employee is subject to a drug test at least once a year, (2) at least 2 percent of the contractor's employees are randomly selected each month for testing, (3) the program tests for a five-drug panel consisting of amphetamines, cocaine, opiates, phencyclidine (PCP), and tetrahydrocannabinol (THC), (4) the program imposes progressive discipline on any employee who fails a drug test, (5) the program may require the dismissal of any employee who tests positive on a drug test, and (6) the employer advises the employee of any program of treatment or rehabilitation covered by insurance provided by the employer. Collective bargaining agreements that include an employee drug-testing program meet the requirements of the Code if the following criteria are included: (1) the program calls for random testing of the employees, (2) the program tests for the aforementioned five-drug panel, (3) disciplinary measures are imposed if the employee fails the drug test, (4) the employee is subject to suspension or immediate termination upon failing a drug test, (5) the employee, if suspended, is not eligible for reinstatement until he or she tests negative for the five drugs on the panel, (6) the employee is subject to unscheduled sporadic testing for at least 1 year after reinstatement, and (7) any employee who fails more than one drug test must complete a rehabilitation program recommended by a substance abuse professional.</p> <p>"Disability" and "illegal use of drugs" defined; illegal drug users; sexual behavior Indiana Code Ann. 22-9-5-6 (1997)</p> <p>Drug Dealer Liability Indiana Code Ann. 34-24-4-1 to 34-24-4-14 (1998)</p>
INDIANA	Mine Employee Testing		<p>Drug and alcohol testing of mine employee Indiana Code Ann. 22-10-15-4</p>
INDIANA	Transportation Testing		<p>School bus driver or school bus monitor; requirements Indiana Code Ann. 20-27-8-1</p>
IOWA	Drug-Free Workplace Act	<p>Iowa Governor's Office of Drug Control Policy 401 SW 7th, Suite N Des Moines, IA 515-242-6391 515-242-6390</p>	<p>Authorizes most types of drug and alcohol testing. Employers who develop, implement and maintain programs in accordance with the provisions of the Private Sector Drug-Free Workplaces act are provided with immunity against any causes of action arising against the employer for actions taken pursuant to the program. Iowa Code Ann. §730.5 (Supp. 2006) http://coolice.legis.state.ia.us/Cool-ICE/default.asp?category=billinfo&service=IowaCode&ga=82</p>
IOWA	Transportation Testing	<p>Iowa Governor's Office of Drug Control Policy 401 SW 7th, Suite N Des Moines, IA 515-242-6391 515-242-6390</p>	<p>Testing of captains, pilots, or physical operators of excursion gambling boats Iowa Code § 99F.4 (20) http://coolice.legis.state.ia.us/Cool-ICE/default.asp?category=billinfo&service=IowaCode&ga=82</p>
IOWA	Drug Testing	<p>Iowa Governor's Office of Drug Control Policy</p>	<p>The State amended its policy for the employer practice of unannounced drug and alcohol testing. Employers may conduct unannounced drug or alcohol tests on employees selected from three pools. The first pool consists of the entire employee population at a particular worksite of the employer,</p>

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		401 SW 7th, Suite N Des Moines, IA 515-242-6391 515-242-6390	except for employees not subject to testing pursuant to a collective bargaining agreement, those who are not scheduled to be at work at the time the testing is to be conducted because of their status (for example, those on annual or sick leave and those in training), and those who have been excused from work pursuant to the employer's work policy prior to the time the testing is announced to the employees. The second pool consists of the entire full-time active employee population at a particular worksite, minus those exempt because of a collective bargaining agreement, those not scheduled to be at work at the time testing is conducted because of their status, and those who have been excused from work pursuant to the employer's work policy. The final pool consists of all employees at a particular work-site who are in a pool of employees in a safety-sensitive position and who are scheduled to be at work at the time testing is conducted, other than employees not subject to testing pursuant to a collective bargaining agreement or employees who are not scheduled to be at work at the time testing is to be conducted or who have been excused from work pursuant to the employer's work policy prior to the time the testing is announced to the employees.
IOWA	Unemployment Compensation	Iowa Governor's Office of Drug Control Policy 401 SW 7th, Suite N Des Moines, IA 515-242-6391 515-242-6390	IOWA Unemployment Compensation State law provides that a former employee may be disqualified for unemployment benefits if he or she was discharged for misconduct in connection with his or her work. Iowa Code § 96.5(2) http://coolice.legis.state.ia.us/Cool-ICE/default.asp?category=billinfo&service=IowaCode&ga=82
IOWA	Workers' Compensation	Iowa Governor's Office of Drug Control Policy 401 SW 7th, Suite N Des Moines, IA 515-242-6391 515-242-6390	An employee may be disqualified from benefits coverage if the employee's injuries are caused by the employee's intoxication or use of drugs, or if the intoxication was a substantial factor in causing the injury. Iowa Code § 85.16 (2) (1996) http://coolice.legis.state.ia.us/Cool-ICE/default.asp?category=billinfo&service=IowaCode&ga=82
KANSAS	Unemployment Compensation	Kansas State Library Legislative Reference Section, 3rd Floor, Room 343N State House Topeka, KS 913-296-2149	Benefits denied to those who are discharged for misconduct related to drug or alcohol impairment. The results of a chemical test are admissible evidence to prove misconduct if a variety of conditions are met, including, but not limited to, the test was required by state or federal law, or there was probable cause to believe the individual was impaired while working. Kansas State Ann. 44-706 (b)(2) (Supp. 2005) http://www.kslegislature.org/legsrv-statutes/getStatuteFile.do?number=/44-706.html and http://www.kslegislature.org/legsrv-statutes/getStatuteFile.do?number=/44-501.html
KANSAS	Workers' Compensation	Kansas State Library Legislative Reference Section, 3rd Floor, Room 343N State House Topeka, KS	Benefits denied when an injury, disability or death was contributed to by the employee's use or consumption of alcohol or any drugs, including but not limited to, any drugs or medications which are available to the public without a prescription from a health care provider, prescription drugs or medications, any form or type of narcotic drugs, marijuana, stimulants, depressants or hallucinogens. It is conclusively presumed that the employee was impaired due to alcohol if it is shown that at the time of the injury that the employee had an alcohol concentration of .04 or more. An employee's refusal to submit to a chemical test is not admissible evidence to prove impairment unless there was probable cause to believe that the employee used, possessed or was impaired by a drug or alcohol

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		913-296-2149	while working. Kansas State Ann. 44-501 (d)(2)(Supp. 2005) http://www.kslegislature.org/legsrv-statutes/getStatuteFile.do?number=/44-501.html
KANSAS	Transportation Testing		CDL Testing The State of Kansas Alcohol and Controlled Substance Testing Program was developed to prevent accidents and injuries that result from the use of alcohol and controlled substances. The Department of Administration, Division of Personnel Services, has the responsibility to establish and implement the alcohol and controlled substance testing program for commercial drivers. All announcements for commercial driver positions shall contain a statement that alcohol and controlled substance testing is required as a condition of employment. Current employees in commercial driver positions may be tested under any of the following types of tests: pre-duty, reasonable suspicion, random, post-accident, return-to-duty, and follow up.
KANSAS	Drug Testing Requirements	Kansas State Library Legislative Reference Section, 3rd Floor, Room 343N State House Topeka, KS 913-296-2149	Drug Screening of Public Employees Kan. Gen. Stat. Ann. §75-4362 http://www.kslegislature.org/legsrv-statutes/getStatuteFile.do?number=/75-4362.html Drug Screening for Safety-Sensitive Positions The legislation was signed into law on April 15, 1988, and the program was implemented November 1, 1988. The definition of safety-sensitive positions was expanded July 1, 2002. These laws charge the Division of Personnel Services with the responsibility to establish and implement the drug screening program for designated positions. All announcements to recruit applicants for designated positions shall contain a statement that drug screening is required at the time an offer of employment is made. The goal of the Drug Screening Program is to establish state government as a leader in promoting a drug-free workforce. Success of this program will promote the health and safety of present and future generations of Kansas.
KENTUCKY	Mine Safety	Legislative Research Commission Room 300 State Capitol Frankfort, KY 502-564-8100 (phone) 502-223-5094 (fax)	No person shall enter or be on any mine property while intoxicated or under the influence of alcohol or a controlled substance. No alcoholic beverage or controlled substance shall be permitted in or about any mine; provided, however, this shall not apply to private vehicles driven to and from the mine. Ky. Stat. Ann. §352.210 (1976) http://www.lrc.ky.gov/krs/352%2D00/210.pdf All applicants for certification as new miners and all initial applicants for all other certifications shall provide proof that they are drug and alcohol free prior to certification. Such proof shall be evidenced by (1) the individual's having participated in a drug and alcohol testing program offered by the State Office of Mine Safety and Licensing and paid for by the applicant or (2) the submission of drug and alcohol test results from other sources. If a newly certified miner gains employment in the coal industry, the initial employer shall reimburse the certified miner for the cost of one drug and alcohol test. If, however, the applicant is currently certified by the State Office of Mine Safety and Licensing in any category other than that for which he or she is applying, and the applicant is currently employed in the coal industry, the applicant's employer shall reimburse the applicant for the cost of one drug and alcohol test.
KENTUCKY	Drug Testing		Definitions-Disability Kentucky Rev. Stat. Ann 344.010 (4) (Supp. 2005) http://www.lrc.ky.gov/krs/344%2D00/010.pdf Cost of medical examination required by employer. Kentucky Rev. Stat. 336.220 (2001) http://www.lrc.ky.gov/krs/336%2D00/220.pdf note to self bna 2006 An applicant to an agency that is part of the State Law Enforcement Council and that is hiring a Unified Criminal Justice Information System telecommunicator whose primary responsibility is to dispatch law enforcement units by means of radio communications must be a U.S. citizen who has reached the age of majority, must be a high school graduate (or the recipient of a general equivalency diploma), must not have been convicted of a felony or any other crime involving moral turpitude, and must have taken a psychological suitability screening administered or approved by the State Law Enforcement Council. The applicant also must have taken a polygraph examination and have passed a drug-screening test administered or approved by the council. A person shall be deemed to have passed a drug-screening test if the results are negative for the use of an illegal controlled substance or the abuse of a prescription drug. Any agency that administers its own screening shall certify passing results to the

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			council. The applicant's home address, telephone number, date of birth, and Social Security number, as well as the results of any background investigation, psychological suitability screening, or polygraph examination, shall not be subject to disclosure.
KENTUCKY	Transportation Testing		School Bus Driver Testing 702 KAR 5:080 http://www.lrc.ky.gov/kar/702/005/080.htm
KENTUCKY	Workers' Compensation Premium Reduction Act (Mines)		Any employer who is also a licensee that has implemented a drug-free workplace program certified by the Office of Mine Safety and Licensing shall be eligible to obtain a credit on the licensee's premium for workers' compensation insurance. Kentucky Rev. Stat. 351.186 http://www.lrc.ky.gov/krs/351-00/186.pdf
KENTUCKY	Unemployment Compensation	Legislative Research Commission Room 300 State Capitol Frankfort, KY 502-564-8100 (phone) 502-223-5094 (fax)	Benefits benied to any employee who is discharged for misconduct connected with his or her work. Discharge for misconduct includes reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on the employer's premises during working hours. Kentucky Rev. Stat. Ann 341.370 (6) (2001) http://www.lrc.ky.gov/krs/341%2D00/370.pdf
KENTUCKY	Workers' Compensation	Legislative Research Commission Room 300 State Capitol Frankfort, KY 502-564-8100 (phone) 502-223-5094 (fax)	Workers' Compensation State law denies workers' compensation benefits when the employee's injury, occupational disease, or death was proximately caused primarily by the employee's intoxication. Kentucky Rev. Stat. Ann 342.610 (3) (Supp. 2005) http://www.lrc.ky.gov/krs/342%2D00/610.pdf
LOUISIANA	Drug Testing	Louisiana Law Library Room 100 301 Loyola Avenue New Orleans, LA 504-568-5706	State law places no restrictions on the types of testing that may be conducted, but does provide specific requirements with regard to drug testing procedures (requires DHHS-certified laboratory, use of an MRO, etc.). The statute also provides protection against certain causes of action if the employer establishes and maintains a drug and alcohol testing program in compliance with the act. La. Rev. Stat. Ann. §49:1001-1012 (2003) http://www.legis.state.la.us/lss/lss.asp?doc=103469 State Employee Drug Testing Policy Executive Order KBB 05-08 http://www.doa.state.la.us/osr/other/kbb05-08.htm Drug Testing cost La. Rev. Stat. Ann. §23:634 http://www.legis.state.la.us/lss/lss.asp?doc=83948 and La. Rev. Stat. Ann. §23:897 (West 1998) http://www.legis.state.la.us/lss/lss.asp?doc=84006 Employer Tax Credit State law includes a provision whereby employers may be eligible for a tax credit against their state income tax in the amount of five percent of the "qualified treatment expenses" incurred by the employer for substance abuse treatment services. La. Rev. Stat. Ann. §47:6010 (West Supp 1999) http://www.legis.state.la.us/lss/lss.asp?doc=102367
LOUISIANA	Unemployment Compensation	Louisiana Law Library Room 100 301 Loyola Avenue	Benefits may be denied to an employee who is discharged for misconduct. On- or off-the-job drug use, as evidenced by a positive drug test conducted in accordance with the provisions of the law, constitute misconduct. Refusal to test also constitutes misconduct. Specific collection procedures must be followed La. Rev. Stat. Ann. §23:1601(10) (Supp. 2004)

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		New Orleans, LA 504-568-5706	http://www.legis.state.la.us/lss/lss.asp?doc=83615
LOUISIANA	Workers' Compensation	LA Department of Labor New Orleans, LA 504-342-3011	Benefits may be denied to an employee whose injury is caused by his or her intoxication. A positive drug test conducted in accordance with the law or a positive alcohol test at .10 percent or higher leads to the presumption that the incident was caused by the employee's intoxication. Employers may conduct drug testing immediately following a job-related accident. Refusal to submit to a test results in the presumption that the employee was intoxicated at the time of the accident. La. Rev. Stat. Ann. §23:1081 (Supp. 2004) http://www.legis.state.la.us/lss/lss.asp?doc=83357 and La. Rev. Stat. Ann. §23:1221 (3)(g) (Supp. 2004) http://www.legis.state.la.us/lss/lss.asp?doc=83447
LOUISIANA	Transportation Testing		School Bus Driver Testing La. Rev. Stat. Ann. §17:491.2 http://www.legis.state.la.us/lss/lss.asp?doc=81111
MAINE	Transportation Testing		CDL Licenses Testing Maine Rev. Stat. Ann. Tit. 29-A, §1253 http://janus.state.me.us/legis/statutes/29-A/title29-Asec1253.html
MAINE	Drug Testing	Law and Legislative Reference Library Augusta, ME 207-287-1600	There is a comprehensive statute which governs workplace drug testing in Maine. There are restrictions on all types of testing and specific requirements that must be met with regard to drug testing procedures. All substance abuse programs must be approved by the Maine Department of Labor. Prior to conducting any type of drug testing, the employer must provide an employee assistance program or participate in an EAP consortium. Maine Rev. Stat. Ann. Tit. 26, 681-690 (Supp. 2005) [note: to see sequential sections of the Code, change the number at the end of the URL in your browser address field] http://janus.state.me.us/legis/statutes/26/title26sec681.html The State Employment Practices Law regarding testing for substance abuse among temporary workers was amended. The use of consent forms is prohibited. An employer may not require, request, or suggest that any employee or applicant for employment sign or agree to any form or agreement that attempts to (1) absolve the employer from any liability that may arise out of the imposition of the substance abuse test or (2) waive an employee's or applicant's rights, or eliminate or diminish an employer's obligation, under the State Revised Statutes Annotated, except as provided by State statute. An employment agency, as defined by State statute, may request a written waiver for a temporary placement from an individual already in its employ or on a roster of eligibility, as long as the client company has an approved substance abuse testing policy and the individual has not been assigned work at the client company in the 30 days previous to the request. The test must otherwise comply with both State standards and the employment agency's approved policy regarding applicant testing. The agency may not take adverse action against the individual for refusal to sign a waiver.
MAINE	Workers' Compensation	Law and Legislative Reference Library Augusta, ME 207-287-1600	Benefits may be denied to an employee whose injury or death was the result of his or her intoxication while on duty, unless the employer knew at the time of the injury that the employee was intoxicated or was in the habit of becoming intoxicated while on duty. Maine Rev. Stat. Ann. Tit. 39-A, §202 (2001) http://janus.state.me.us/legis/statutes/39-A/title39-Asec202.html
MARYLAND	Drug Testing	Maryland Department of Legislative Services Annapolis, MD 410-841-3810	State law does not place any restrictions on the types of testing that may be conducted, but does require that specific technical procedures be followed with regard to drug testing. All testing must be conducted at laboratories certified by the Maryland Department of Health and Mental Hygiene. Md. HealthGen. Code Ann. §17-214 to 17-217 (2000 & Supp. 2003) [note: to see sequential sections of the Code, change the number at the end of the URL in your browser address field] http://mlis.state.md.us/asp/web_statutes.asp?ghg&17-214 Testing standards Md. Regs. Code tit. 10.10.01 to 10.10.09 (2001 & 2002) [note: to see sequential sections of the Code, change the number

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			at the end of the URL in your browser address field] http://www.dsd.state.md.us/comar/10/10.10.10.01.htm Defraud drug test Md. Crim. Law Code Ann. 10-111 (Supp. 2003) http://mlis.state.md.us/asp/web_statutes.asp?qcr&10-111
MARYLAND	Workers' Compensation	Maryland Department of Legislative Services Annapolis, MD 410-841-3810	Benefits may be denied to an employee whose personal injury is caused primarily by the use of a controlled substance not prescribed by a physician. Md. Lab & Emp Code Ann. 9-506 (c) (Supp. 2003) http://mlis.state.md.us/asp/web_statutes.asp?gle&9-506
MASSACHUSETTS	Drug Testing		Right to privacy G.L.M. Chapter 214§1B (1999) http://www.mass.gov/legis/laws/mgl/214-1b.htm Handicap defined G.L.M. Chapter 151B§1(17)(1999) http://www.mass.gov/legis/laws/mgl/151b-1.htm Cost for medical exam G.L.M. Chapter 149§159B (1996) http://www.mass.gov/legis/laws/mgl/149-159b.htm
MASSACHUSETTS	Unemployment Benefits	Massachusetts Division of Unemployment Assistance Problem Resolution 2nd floor 19 Staniford Street Boston, MA 617-626-6535 (tel) 617-570-8581 (fax)	Benefits may be denied if an individual was fired for deliberate misconduct in wilful disregard of the employing unit's interest, or to a knowing violation of a reasonable and uniformly enforced rule or policy of the employer, provided that such violation is not shown to be as a result of the employee's incompetence. G.L.M. Chapter 151A§25(e)(2) (2005) http://www.mass.gov/legis/laws/mgl/151a-25.htm
MASSACHUSETTS	Transportation Testing	Commonwealth of Massachusetts Office of Public Safety One Ashburton Place, Suite 2133 Boston, MA 617-727-7775 (tel) 617-727-4764 (fax)	Massachusetts State Law states a person may not drive, operate or be in physical control of a commercial motor vehicle while having alcohol in his system. A person who drives, operates or is in physical control of a commercial motor vehicle while having alcohol in his system or who refuses to take an alcohol concentration test to determine his blood alcohol content shall be placed out-of-service for twenty-four hours. Any person who operates a commercial motor vehicle upon the highways of the commonwealth shall be deemed to have given consent to a test or tests of that person's blood, breath or urine for the purpose of determining that person's alcohol concentration, or the presence of others drugs. A person requested to submit to a test as provided shall be advised that a refusal to submit to the test will result in that person being disqualified from operating a commercial motor vehicle. G.L.M. Chapter 90F §§9 to 11 (2005) [note: to see sequential sections of the Code, change the number at the end of the URL in your browser address field] http://www.mass.gov/legis/laws/mgl/90f-9.htm
MASSACHUSETTS	Workers' Compensation	Commonwealth of Massachusetts Departments of Labor and Workforce Development One Ashburton Place, Rm 2112	If the employee is injured by reason of his serious and wilful misconduct, he shall not receive compensation; but this provision shall not bar compensation to his dependents if the injury results in death. G.L.M. Chapter 152 §27 (2005) http://www.mass.gov/legis/laws/mgl/152-27.htm

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		Boston, MA 617-727-6573 (tel) 617-727-1090 (fax)	
MICHIGAN	Drug Testing		Law allows establishment of employment policies, programs, procedures, or work rules regarding the use of alcoholic liquor or the illegal use of drugs. Michigan Compiled Ann. 37.1211 (a) http://www.legislature.mi.gov/(S(5stfc545miubqozh5apd1izi))/mileg.aspx?page=getObject&objectName=mcl-37-1211 Disability defined Michigan Compiled Ann. 37.1103 (f)(2001) http://www.legislature.mi.gov/(S(w5zurp45pmlx5w553te2tf1))/mileg.aspx?page=getObject&objectName=mcl-37-1103 Medical exam costs Michigan Compiled Ann. 750.354a (1991) http://www.legislature.mi.gov/(S(5stfc545miubqozh5apd1izi))/mileg.aspx?page=getObject&objectName=mcl-750-354a Drug Dealer Liability Act Michigan Compiled Ann. 691.1601 to 691.1619 (2000) [note:use "document" arrows to progress] http://www.legislature.mi.gov/(S(w5zurp45pmlx5w553te2tf1))/mileg.aspx?page=getObject&objectName=mcl-691-1601
MICHIGAN	Unemployment Compensation		Benefits may be denied if employee was discharged for intoxication while at work, refusing to submit to a drug test, or testing positive on a drug test. Michigan Compiled Ann. 421.29 (1)(b), (m) (Supp. 2006) http://www.legislature.mi.gov/(S(w5zurp45pmlx5w553te2tf1))/mileg.aspx?page=getObject&objectName=mcl-421-29
MINNESOTA	Drug Testing	Legislative Library St. Paul, MN 612-296-3398	The state drug testing law includes significant restrictions on the types of testing that may be conducted, and places specific requirements on drug testing procedures and components of the program. An employer may not discharge an employee solely on the basis of a first-time positive drug test. The opportunity for rehabilitation must be offered. An employer may only inquire about an employee's use of over-the-counter or prescription medications after an employee tests positive on a drug test. Minn. Stat. Ann. §181.950 to 181.957 (1997 & Supp. 2006) https://www.revisor.leg.state.mn.us/statutes/?id=181 Employers may request or require employees to undergo random drug and alcohol testing only if (1) they are employed in safety-sensitive positions or (2) they are employed as professional athletes. In the latter case, if the professional athlete is subject to a collective bargaining agreement permitting random testing, testing may be conducted only to the extent consistent with the agreement. Disability defined Minn. Stat. Ann. §363A.03(36)(2)(Supp. 2003) https://www.revisor.leg.state.mn.us/statutes/?id=363A.03 Medical exam cost Minn. Stat. Ann. §181.61 (Supp. 2006) https://www.revisor.leg.state.mn.us/statutes/?id=181.61
MINNESOTA	Unemployment Compensation	Minnesota Department of Labor and Industry St. Paul, MN 612-296-2342	Benefits may be denied to an employee who has been separated from employment due to a chemical dependency which has been professionally diagnosed; or who is participating in a treatment program; and who is unable to successfully complete treatment as advised. Such action indicates that an employee has not made a reasonable effort to retain employment Minn. Stat. Ann. §268.095(7)(Supp. 2003) https://www.revisor.leg.state.mn.us/statutes/?id=268.095
MINNESOTA	Workers' Compensation	Minnesota Department of	Benefits may be denied if the employee's intoxication is the proximate cause of the injury. The burden of proof is upon the employer. Minn. Stat. Ann. § 176.021 (1)(Supp. 2006)

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		Labor and Industry St. Paul, MN 612-296-2342	https://www.revisor.leg.state.mn.us/statutes/?id=176.021
MISSISSIPPI	Drug Testing	Reference Bureau Jackson, MS 601-359-3135	Compliance with the state' drug testing law is voluntary. Employers choosing to comply with its provisions are protected from civil liability with regard to their drug and alcohol program and testing. The law permits all types of testing (with some restrictions) and includes specific requirements with regard to testing procedures. Employers choosing to implement a testing program not in accordance with the act are governed by applicable principles of contract or common law. Miss. Code § 71-7-1 to -33 (1999 & Supp. 2005) http://michie.com/mississippi_print/lpExt.dll/mscode/1580b/15c21?fn=document-frame-chapter.htm&f=templates&2.0 Mandatory drug testing of employees of Department of Corrections Miss. Code § 47-5-196 http://michie.com/mississippi/lpext.dll/mscode/e5ff/e6da/e902/e91c?f=templates&fn=document-frame.htm&q=%A7%2047-5-196&x=Advanced&2.0#LPHit1
MISSISSIPPI	Unemployment Compensation	Reference Bureau Jackson, MS 601-359-3135	Discharge for drug use constitutes willful misconduct and disqualifies an employee from receiving unemployment compensation. Note: Repealed effective July 1, 2008 Miss. Code § 75-5-513 http://michie.com/mississippi/lpext.dll/mscode/1580b/15a68/15ba8/15bcc?f=templates&fn=document-frame.htm&2.0#JD_71-5-513
MISSISSIPPI	Workers' Compensation	Reference Bureau Jackson, MS 601-359-3135	Benefits may be denied if the employee's intoxication is the proximate cause of his or her injury. Miss. Code § 71-3-7 (1999) http://michie.com/mississippi_print/lpExt.dll/mscode/1580b/1587d?f=templates&fn=document-frame-chapter.htm&2.0#JD_71-3-7 and Miss. Code § 71-3-121 http://michie.com/mississippi_print/lpExt.dll/mscode/1580b/1587d?f=templates&fn=document-frame-chapter.htm&2.0#JD_71-3-121
MISSISSIPPI	Workers' Compensation Premium Reduction Act		State law provides for a five percent reduction in workers' compensation premiums to employers who establish a drug-free workplace program. In order to qualify for the reduction, employers must have a written policy statement, conduct drug and alcohol testing, maintain a resource list of EAP providers, provide employee education and supervisor training, and maintain confidentiality standards. Miss. Code Ann. 71-3-201 to 225. (1999) http://michie.com/mississippi_print/lpExt.dll/mscode/1580b/1587d?fn=document-frame-chapter.htm&f=templates&2.0
MISSOURI	Drug Testing		Drug-Free Public Work Force Act for Public Employees Mo. Rev. Stat. §§105.1100 to 105.1116 http://www.moga.mo.gov/STATUTES/C105.HTM Disability defined Mo. Rev. Stat. § 213.010 (4)(Supp. 2003) http://www.moga.mo.gov/statutes/C200-299/2130000010.HTM
MISSOURI	Unemployment Compensation		Misconduct Mo. Rev. Stat. §288.045 http://www.moga.mo.gov/statutes/c200-299/2880000045.htm and Mo. Rev. Stat. §288.050(2)(2004 & Supp. 2006) http://www.moga.mo.gov/statutes/C200-299/2880000050.HTM
MISSOURI	Workers' Compensation	Missouri Department of Labor and Industrial Relati Jefferson City, MO	Benefits may be reduced 50% if the employee fails to obey employer's drug-free workplace policy or uses alcohol or nonprescribed controlled drugs in the workplace. If the proximate cause of the injury, then benefits shall be forfeited. The voluntary use of alcohol creates a rebuttable presumption as the proximate cause of the injury. Refusal to test shall result in the forfeiture of benefits if the employer had sufficient cause to suspect use of alcohol or a nonprescribed controlled substance or if the employer's policy clearly authorizes post-injury testing. Mo. Rev. Stat. § 287.120 (6)(Supp. 2006)

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		314-751-4091	http://www.moga.mo.gov/statutes/c200-299/2870000120.htm
MONTANA	Drug Testing	Montana Department of Labor and Industry Helena, MT 406-444-3555	Workforce Drug and Alcohol Testing Act Mont. Code Ann. §§ 39-2-205 to 39-2-211 (2005) http://data.opi.mt.gov/bills/mca_toc/39_2_2.htm Medical exam cost Mont. Code Ann. §39-2-301 (2005) http://data.opi.mt.gov/bills/mca/39/2/39-2-301.htm Right to privacy Mont. Const. Art. II §10 http://leg.mt.gov/css/mtcode_const/const.asp
MONTANA	Workers' Compensation		Benefits may be denied if the employee's use of alcohol or drugs not prescribed by a physician is the major contributing cause of the accident. However, if the employer had knowledge of and failed to attempt to stop the employee's use of alcohol or drugs, this does not apply. Mont. Code Ann. §39-71-407 http://data.opi.mt.gov/bills/mca/39/71/39-71-407.htm
NEBRASKA	Unemployment Compensation	Clerk of the Legislature Room 2018, State Capitol PO Box 94609 Lincoln, NE 402-471-2271	Benefits may be denied to employees who are discharged for misconduct, which includes being under the influence of alcohol or a controlled substance not prescribed by a physician while at the worksite or while engaged in work. Neb. Rev. Stat. § 48-628(2)(Supp. 2005) http://uniweb.legislature.ne.gov/QS/laws.php?mode=view_sta&sta=s4806028000
NEBRASKA	Drug Testing	Clerk of the Legislature Room 2018, State Capitol PO Box 94609 Lincoln, NE 402-471-2271	State law permits drug and alcohol testing provided certain technical procedures are followed. A positive test result, refusing to be tested, or tampering with a test specimen are all grounds for disciplinary action including termination. The law applies to employers with six or more employees. Neb. Rev. Stat. §§48-1901 to 48-1910 (1998 & Supp. 2002) http://uniweb.legislature.ne.gov/QS/laws.php?mode=show_chap&chapter=48 Medical exam costs Neb. Rev. Stat. §§48-221 to 48-222 http://uniweb.legislature.ne.gov/QS/laws.php?mode=view_sta&sta=s4802021000 Disability defined Neb. Rev. Stat. §48-1102(9),(10)(1998) http://uniweb.legislature.ne.gov/QS/laws.php?mode=view_sta&sta=s4811002000 Trespass or intrude upon a person's solitude Neb. Rev. Stat. §20-203 http://uniweb.legislature.ne.gov/QS/laws.php?mode=view_sta&sta=s2002003000
NEBRASKA	Workers' Compensation	Clerk of the Legislature Room 2018, State Capitol PO Box 94609 Lincoln, NE 402-471-2271	Benefits may be denied if the employee's injuries were due to intoxication. Neb. Rev. Stat. § 48-127 (2002) http://uniweb.legislature.ne.gov/QS/laws.php?mode=view_sta&sta=s4801027000 and Neb. Rev. Stat. § 48-102 (2002) http://uniweb.legislature.ne.gov/QS/laws.php?mode=view_sta&sta=s4801002000
NEVADA	Unemployment Compensation	Legislative Counsel Bureau Research Library Capitol Complex Carson City, NV 702-687-6827	ADA Unemployment Compensation State law provides that a person is ineligible for unemployment compensation benefits if the employee was discharged for misconduct. Nev Rev Stat Ann § 612.385 http://www.leg.state.nv.us/NRS/NRS-612.html#NRS612Sec385
NEVADA	Workers' Compensation	Legislative Counsel Bureau Research Library	Benefits may be denied if injury was proximately caused by the employee's intoxication. If the employee was intoxicated at the time of his injury, intoxication must be presumed to be a proximate cause unless rebutted by evidence to the contrary. Nev.Stat. Ann. § 616C.230(2005)

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		Capitol Complex Carson City, NV 702-687-6827	http://www.leg.state.nv.us/NRS/NRS-616C.html#NRS616CSec230
NEW HAMPSHIRE	Unemployment Compensation	New Hampshire State Library Reference and Information Services 20 Park Street Concord, NH 603-271-2239	State law provides that an employee who has been discharged for intoxication or for use of a controlled drug, to the degree that it seriously hampered or interfered with his or her work, is not eligible for benefits. N.H. Rev. Stat. Ann. §282-A:34 (1999) http://www.gencourt.state.nh.us/rsa/html/XXIII/275/275-3.htm
NEW HAMPSHIRE	Workers' Compensation	New Hampshire State Library Reference and Information Services 20 Park Street Concord, NH 603-271-2239	State law provides that an employer is not liable for any injury to a worker which is caused in whole or in part by the intoxication (from drugs or alcohol) of the employee. The intoxication defense does not apply if the employer knew that the employee was intoxicated. N.H. Rev. Stat. Ann. §§ 281-A:2 thru 15 (Supp. 2005) http://www.gencourt.state.nh.us/rsa/html/XXIII/281-A/281-A-2.htm
NEW HAMPSHIRE	Drug Testing		Disability definition N.H. Rev. Stat. Ann. § 354-A:2 (iv)(Supp. 2005) http://www.gencourt.state.nh.us/rsa/html/XXXI/354-A/354-A-2.htm Drug Dealer Liability Act N.H. Rev. Stat. Ann. §318-C:1 to 318-C:18 http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXX-318-C.htm Medical Exam cost N.H. Rev. Stat. Ann. §275:3 (1999) http://www.gencourt.state.nh.us/rsa/html/XXIII/275/275-3.htm
NEW JERSEY	Drug Testing		Medical examinations requested by employers; imposition of cost on employees prohibited N.J. Rev. Stat. §34:11-24.1 (2000) No employer or prospective employer shall deduct from the wages of any employee or from the wages to be paid to a prospective employee any sum, or in any manner require payment of any sum from such employee or prospective employee, to defray the cost of any medical examination of such employee or prospective employee when such examination is made at the request or direction of the employer, by a physician designated by said employer, as a condition of entering or continuing employment, and in the event that the employee or prospective employee pays for any such medical examination, the employer or prospective employer shall reimburse the employee or prospective employee for the amount of any such payment. L.1952, c. 147, p. 505, s. 1. School personnel physical examinations; drug testing; requirements N.J. Rev. Stat. § 18A:16-2 a. Every board of education may require its employees and shall require any candidate for employment who has received a conditional offer of employment to undergo a physical examination. The board may require individual psychiatric or physical examinations of any employee, whenever, in the judgment of the board, an employee shows evidence of deviation from normal, physical or mental health. Any such examination may, if the board so requires, include laboratory tests or fluoroscopic or X-ray procedures for the obtaining of additional diagnostic data. Nothing in this section shall be so construed as to affect screening for tuberculosis or fitness examinations for bus drivers as required pursuant to statute, rule or regulation. b. A board of education may include testing for usage of controlled dangerous substances as they are defined in N.J.S.2C:35-2 as part of any physical examination which is required of a candidate for employment who has received a conditional offer of employment. Any testing shall be conducted by a physician or institution designated by the board of

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			<p>education and the costs shall be paid by the board. The Department of Education, in consultation with the Department of Health, shall develop guidelines for school boards which elect to require the testing. L.1967, c.271; amended 1996, c.35; 1996, c.100. Definition of "defraud the administration of a drug test;" crime, grading N.J. Rev. Stat. § 2C:36-10 1. a. As used in this act, "defraud the administration of a drug test" means to submit a substance that purports to be from a person other than its actual source, or purports to have been excreted or collected at a time other than when it was actually excreted or collected, or to otherwise engage in conduct intended to produce a false or misleading outcome of a test for the presence of a chemical, drug or controlled dangerous substance, or a metabolite of a drug or controlled dangerous substance, in the human body. It shall specifically include, but shall not be limited to, the furnishing of urine with the purpose that the urine be submitted for urinalysis as a true specimen of a person. b. Any person who offers for sale or rental, or who manufactures, sells, transfers, or gives to any person, any instrument, tool, device or substance adapted, designed or commonly used to defraud the administration of a drug test, is guilty of a crime of the third degree. c. Any person who knowingly defrauds the administration of a drug test that is administered as a condition of employment or continued employment as a law enforcement officer, corrections officer, school bus driver, operator of a motorbus, employee of a rail passenger service, firefighter, provider of emergency first-aid or medical services, or any other occupation that requires the administration of a drug test as a condition of employment or continued employment by law, rule or regulation of the State or a local agency, public authority, or the federal government, is guilty of a crime of the third degree. d. Any person who knowingly defrauds the administration of a drug test that is administered as a condition of monitoring a person on bail, in custody or on parole, probation or pretrial intervention, or any other form of supervision administered in connection with a criminal offense or juvenile delinquency matter, is guilty of a crime of the third degree. e. Any person who knowingly possesses any instrument, product, tool, device or substance adapted, designed or commonly used to defraud the administration of a drug test is guilty of a crime of the fourth degree. f. Any person who knowingly defrauds the administration of a drug test which is administered as a condition of any employment or continued employment not specified in subsection c. of this section is guilty of a crime of the fourth degree. L.2002,c.60.</p>
NEW JERSEY	Transportation Testing		<p>Medical examinations requested by employers; imposition of cost on employees prohibited N.J. Rev. Stat. §34:11-24.1 (2000) No employer or prospective employer shall deduct from the wages of any employee or from the wages to be paid to a prospective employee any sum, or in any manner require payment of any sum from such employee or prospective employee, to defray the cost of any medical examination of such employee or prospective employee when such examination is made at the request or direction of the employer, by a physician designated by said employer, as a condition of entering or continuing employment, and in the event that the employee or prospective employee pays for any such medical examination, the employer or prospective employer shall reimburse the employee or prospective employee for the amount of any such payment. L.1952, c. 147, p. 505, s. 1. School personnel physical examinations; drug testing; requirements N.J. Rev. Stat. § 18A:16-2 a. Every board of education may require its employees and shall require any candidate for employment who has received a conditional offer of employment to undergo a physical examination. The board may require individual psychiatric or physical examinations of any employee, whenever, in the judgment of the board, an employee shows evidence of deviation from normal, physical or mental health. Any such examination may, if the board so requires, include laboratory tests or fluoroscopic or X-ray procedures for the obtaining of additional diagnostic data. Nothing in this section shall be so construed as to affect screening for tuberculosis or fitness examinations for bus drivers as required pursuant to statute, rule or regulation. b. A board of education may include testing for usage of controlled dangerous substances as they are defined in N.J.S.2C:35-2 as part of any physical</p>

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			<p>examination which is required of a candidate for employment who has received a conditional offer of employment. Any testing shall be conducted by a physician or institution designated by the board of education and the costs shall be paid by the board. The Department of Education, in consultation with the Department of Health, shall develop guidelines for school boards which elect to require the testing. L.1967, c.271; amended 1996, c.35; 1996, c.100. Definition of "defraud the administration of a drug test;" crime, grading N.J. Rev. Stat. § 2C:36-10 1. a. As used in this act, "defraud the administration of a drug test" means to submit a substance that purports to be from a person other than its actual source, or purports to have been excreted or collected at a time other than when it was actually excreted or collected, or to otherwise engage in conduct intended to produce a false or misleading outcome of a test for the presence of a chemical, drug or controlled dangerous substance, or a metabolite of a drug or controlled dangerous substance, in the human body. It shall specifically include, but shall not be limited to, the furnishing of urine with the purpose that the urine be submitted for urinalysis as a true specimen of a person. b. Any person who offers for sale or rental, or who manufactures, sells, transfers, or gives to any person, any instrument, tool, device or substance adapted, designed or commonly used to defraud the administration of a drug test, is guilty of a crime of the third degree. c. Any person who knowingly defrauds the administration of a drug test that is administered as a condition of employment or continued employment as a law enforcement officer, corrections officer, school bus driver, operator of a motorbus, employee of a rail passenger service, firefighter, provider of emergency first-aid or medical services, or any other occupation that requires the administration of a drug test as a condition of employment or continued employment by law, rule or regulation of the State or a local agency, public authority, or the federal government, is guilty of a crime of the third degree. d. Any person who knowingly defrauds the administration of a drug test that is administered as a condition of monitoring a person on bail, in custody or on parole, probation or pretrial intervention, or any other form of supervision administered in connection with a criminal offense or juvenile delinquency matter, is guilty of a crime of the third degree. e. Any person who knowingly possesses any instrument, product, tool, device or substance adapted, designed or commonly used to defraud the administration of a drug test is guilty of a crime of the fourth degree. f. Any person who knowingly defrauds the administration of a drug test which is administered as a condition of any employment or continued employment not specified in subsection c. of this section is guilty of a crime of the fourth degree. L.2002,c.60.</p>
NEW JERSEY	Unemployment Compensation	New Jersey State Law Library P.O. Box 520 John Fitch Plaza Trenton, NJ 609-292-6230	<p>An individual shall be disqualified for benefits N.J. Rev. Stat. § 43:21-5 (2007) (a) For the week in which the individual has left work voluntarily without good cause attributable to such work, and for each week thereafter until the individual becomes reemployed and works four weeks in employment, which may include employment for the federal government, and has earned in employment at least six times the individual's weekly benefit rate, as determined in each case. This subsection shall apply to any individual seeking unemployment benefits on the basis of employment in the production and harvesting of agricultural crops, including any individual who was employed in the production and harvesting of agricultural crops on a contract basis and who has refused an offer of continuing work with that employer following the completion of the minimum period of work required to fulfill the contract. (b) For the week in which the individual has been suspended or discharged for misconduct connected with the work, and for the five weeks which immediately follow that week, as determined in each case. In the event the discharge should be rescinded by the employer voluntarily or as a result of mediation or arbitration, this subsection (b) shall not apply, provided, however, an individual who is restored to employment with back pay shall return any benefits received under this chapter for any week of unemployment for which the individual is subsequently compensated by the employer. If the discharge was for gross misconduct connected with the work because of the commission of an act punishable as a crime of the first, second, third or fourth degree under the "New Jersey Code of</p>

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			<p>Criminal Justice," N.J.S.2C:1-1 et seq., the individual shall be disqualified in accordance with the disqualification prescribed in subsection (a) of this section and no benefit rights shall accrue to any individual based upon wages from that employer for services rendered prior to the day upon which the individual was discharged. The director shall insure that any appeal of a determination holding the individual disqualified for gross misconduct in connection with the work shall be expeditiously processed by the appeal tribunal. (c)If it is found that the individual has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the director or to accept suitable work when it is offered, or to return to the individual's customary self-employment (if any) when so directed by the director. The disqualification shall continue for the week in which the failure occurred and for the three weeks which immediately follow that week, as determined: (1)In determining whether or not any work is suitable for an individual, consideration shall be given to the degree of risk involved to health, safety, and morals, the individual's physical fitness and prior training, experience and prior earnings, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, and the distance of the available work from the individual's residence. In the case of work in the production and harvesting of agricultural crops, the work shall be deemed to be suitable without regard to the distance of the available work from the individual's residence if all costs of transportation are provided to the individual and the terms and conditions of hire are as favorable or more favorable to the individual as the terms and conditions of the individual's base year employment. (2)Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions: the position offered is vacant due directly to a strike, lockout, or other labor dispute; the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or, the individual, as a condition of being employed, would be required to join a company union or to resign from or refrain from joining any bona fide labor organization. (d)If it is found that this unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment or other premises at which the individual is or was last employed. (1)No disqualification under this subsection (d) shall apply if it is shown that: (a)The individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and (b)The individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; provided that if in any case in which (a) or (b) above applies, separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each department shall, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises. (2)For any claim for a period of unemployment commencing on or after December 1, 2004, no disqualification under this subsection (d) shall apply if it is shown that the individual has been prevented from working by the employer, even though the individual's recognized or certified majority representative has directed the employees in the individual's collective bargaining unit to work under the preexisting terms and conditions of employment, and the employees had not engaged in a strike immediately before being prevented from working. (e)For any week with respect to which the individual is receiving or has received remuneration in lieu of notice. (f)For any week with respect to which or a part of which the individual has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided that if the appropriate agency of the other state or of the United States finally determines that the individual is not entitled to unemployment benefits, this disqualification shall not apply. (g) (1) For a period of one year from the date of the discovery by</p>

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			<p>the division of the illegal receipt or attempted receipt of benefits contrary to the provisions of this chapter, as the result of any false or fraudulent representation; provided that any disqualification may be appealed in the same manner as any other disqualification imposed hereunder; and provided further that a conviction in the courts of this State arising out of the illegal receipt or attempted receipt of these benefits in any proceeding instituted against the individual under the provisions of this chapter or any other law of this State shall be conclusive upon the appeals tribunal and the board of review.</p> <p>(2)A disqualification under this subsection shall not preclude the prosecution of any civil, criminal or administrative action or proceeding to enforce other provisions of this chapter for the assessment and collection of penalties or the refund of any amounts collected as benefits under the provisions of R.S.43:21-16, or to enforce any other law, where an individual obtains or attempts to obtain by theft or robbery or false statements or representations any money from any fund created or established under this chapter or any negotiable or nonnegotiable instrument for the payment of money from these funds, or to recover money erroneously or illegally obtained by an individual from any fund created or established under this chapter. (h) (1) Notwithstanding any other provisions of this chapter (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied benefits for any week because the individual is in training approved under section 236(a)(1) of the "Trade Act of 1974," Pub.L.93-618 (19 U.S.C. s.2296 (a)(1)) nor shall the individual be denied benefits by reason of leaving work to enter this training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this chapter (R.S.43:21-1 et seq.), or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work. (2)For purposes of this subsection (h), the term "suitable" employment means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the "Trade Act of 1974," Pub.L.93-618 (19 U.S.C. s.2101 et seq.) and wages for this work at not less than 80% of the individual's average weekly wage, as determined for the purposes of the "Trade Act of 1974." (i)For benefit years commencing after June 30, 1984, for any week in which the individual is a student in full attendance at, or on vacation from, an educational institution, as defined in subsection (y) of R.S.43:21-19; except that this subsection shall not apply to any individual attending a training program approved by the division to enhance the individual's employment opportunities, as defined under subsection (c) of R.S.43:21-4; nor shall this subsection apply to any individual who, during the individual's base year, earned sufficient wages, as defined under subsection (e) of R.S.43:21-4, while attending an educational institution during periods other than established and customary vacation periods or holiday recesses at the educational institution, to establish a claim for benefits. For purposes of this subsection, an individual shall be treated as a full-time student for any period: (1)During which the individual is enrolled as a full-time student at an educational institution, or (2)Which is between academic years or terms, if the individual was enrolled as a full-time student at an educational institution for the immediately preceding academic year or term. (j)Notwithstanding any other provisions of this chapter (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied benefits because the individual left work or was discharged due to circumstances resulting from the individual being a victim of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19). No employer's account shall be charged for the payment of benefits to an individual who left work due to circumstances resulting from the individual being a victim of domestic violence. For the purposes of this subsection (j), the individual shall be treated as being a victim of domestic violence if the individual provides one or more of the following: (1)A restraining order or other documentation of equitable relief issued by a court of competent jurisdiction; (2)A police record documenting the domestic violence; (3)Documentation that the perpetrator of the domestic violence has been convicted of one or more of the offenses enumerated in section 3 of P.L.1991, c.261 (C.2C:25-19); (4)Medical documentation of the domestic violence;</p>

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			<p>(5)Certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency that the individual is a victim of domestic violence; or (6)Other documentation or certification of the domestic violence provided by a social worker, member of the clergy, shelter worker or other professional who has assisted the individual in dealing with the domestic violence. For the purposes of this subsection (j): "Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals; and "designated domestic violence agency" means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Youth and Family Services in the Department of Children and Families and is under contract with the division for the express purpose of providing such services.</p> <p>(k)Notwithstanding any other provisions of this chapter (R.S. 43:21-1 et seq.), no otherwise eligible individual shall be denied benefits for any week in which the individual left work voluntarily and without good cause attributable to the work, if the individual left work to accompany his or her spouse who is an active member of the United States Armed Forces, as defined in N.J.S.38A:1-1(g), to a new place of residence outside the State, due to the armed forces member's transfer to a new assignment in a different geographical location outside the State, and the individual moves to the new place of residence not more than nine months after the spouse is transferred, and upon arrival at the new place of residence the individual was in all respects available for suitable work. No employer's account shall be charged for the payment of benefits to an individual who left work under the circumstances contained in this subsection (k), except that this shall not be construed as relieving the State of New Jersey and any other governmental entity or instrumentality or nonprofit organization electing or required to make payments in lieu of contributions from its responsibility to make all benefit payments otherwise required by law and from being charged for those benefits as otherwise required by law. Amended 1939, c.94, s.2; 1945, c.73, s.1; 1945, c.308, s.1; 1950, c.172, s.3; 1961, c.43, s.3; 1967, c.30, s.3 1967, c.30, title amended 1967, c.286, s.12; 1968, c.1; 1974, c.86, s.3; 1980, c.90, s.12; 1982, c.144, s.6; 1984, c.24, s.3; 1985, c.508, s.3; 1999, c.391; 2005, c.103; 2007, c.162.</p>
NEW JERSEY	Workers' Compensation	New Jersey State Law Library P.O. Box 520 John Fitch Plaza Trenton, NJ 609-292-6230	<p>Compensation by agreement; defenses; burden of proof N.J. Rev. Stat. § 34:15-7 (2000) When employer and employee shall by agreement, either express or implied, as hereinafter provided, accept the provisions of this article compensation for personal injuries to, or for the death of, such employee by accident arising out of and in the course of employment shall be made by the employer without regard to the negligence of the employer, according to the schedule contained in sections 34:15-12 and 34:15-13 of this Title in all cases except when the injury or death is intentionally self-inflicted, or when intoxication or the unlawful use of controlled dangerous substances as defined in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c. 266 (C. 24:21-1 et seq.), or willful failure to make use of a reasonable and proper personal protective device or devices furnished by the employer, which has or have been clearly made a requirement of the employee's employment by the employer and uniformly enforced and which an employer can properly document that despite repeated warnings, the employee has willfully failed to properly and effectively utilize, is the natural and proximate cause of injury or death provided, however, this latter provision shall not apply where there is such imminent danger or need for immediate action which does not allow for appropriate use of personal protective device or devices, and the burden of the proof of such fact shall be upon the employer or when recreational or social activities, unless such recreational or social activities are a regular incident of employment and produce a benefit to the employer beyond improvement in employee health and morale, are the natural and proximate cause of the injury or death. Amended by L.1979, c. 283, s. 1, eff. Jan. 10, 1980. and Definitions N.J. Rev. Stat. § 34:15-36 "Willful negligence" within the intent of this chapter shall consist of (1) deliberate act or deliberate failure to act, or (2) such</p>

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			<p>conduct as evidences reckless indifference to safety, or (3) intoxication, operating as the proximate cause of injury, or (4) unlawful use of a controlled dangerous substance as defined in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.). "Employer" is declared to be synonymous with master, and includes natural persons, partnerships, and corporations; "employee" is synonymous with servant, and includes all natural persons, including officers of corporations, who perform service for an employer for financial consideration, exclusive of (1) employees eligible under the federal "Longshore and Harbor Workers' Compensation Act," 44 Stat. 1424 (33 U.S.C.s.901 et seq.), for benefits payable with respect to accidental death or injury, or occupational disease or infection; and (2) casual employments, which shall be defined, if in connection with the employer's business, as employment the occasion for which arises by chance or is purely accidental; or if not in connection with any business of the employer, as employment not regular, periodic or recurring; provided, however, that forest fire wardens and forest firefighters employed by the State of New Jersey shall, in no event, be deemed casual employees. A self-employed person, partners of a limited liability partnership, members of a limited liability company or partners of a partnership who actively perform services on behalf of the self-employed person's business, the limited liability partnership, limited liability company or the partnership shall be deemed an "employee" of the business, limited liability partnership, limited liability company or partnership for purposes of receipt of benefits and payment of premiums pursuant to this chapter, if the business, limited liability partnership, limited liability company or partnership elects, when the workers' compensation policy of the business, limited liability partnership, limited liability company or partnership is purchased or renewed, to obtain coverage for the person, the limited liability partners, the limited liability company members or the partners. If the business, limited liability partnership, limited liability company or partnership elects to obtain coverage for the self-employed person, limited liability partners, limited liability company members or the partners, the election may only be made at purchase or at renewal and may not be withdrawn during the policy term. If the business, limited liability partnership, limited liability company or partnership performs services covered under a homeowner's policy or other policies providing comprehensive personal liability insurance for domestic servants, household employees or the dependents thereof, the workers' compensation policy of the business, limited liability partnership, limited liability company or partnership shall have primary responsibility for the payment of benefits. Notwithstanding the provisions of R.S.34:15-71 and 34:15-72, the business, limited liability partnership, limited liability company or partnership shall not be required to purchase a policy unless the business, limited liability partnership, limited liability company or partnership is an "employer" of a least one employee as defined in this section who is not a self-employed person, limited liability partner, limited liability company member or partner actively performing services on behalf of the business, limited liability partnership, limited liability company or partnership. Notwithstanding any other provision of law to the contrary, no insurer or insurance producer as defined in section 2 of P.L.1987, c.293 (C.17:22A-2) shall be liable in an action for damages on account of the failure of a business, limited liability partnership, limited liability company or partnership to elect to obtain workers' compensation coverage for a self-employed person, limited liability partner, limited liability company member or partner, unless the insurer or insurance producer causes damage by a willful, wanton or grossly negligent act of commission or omission. Every application for workers' compensation made on or after the effective date of this amendatory act shall include notice, as approved by the Commissioner of Banking and Insurance, concerning the availability of workers' compensation coverage for self-employed persons, limited liability partners, limited liability company members or partners. That application shall also contain a notice of election of coverage and shall clearly state that coverage for self-employed persons, limited liability partners, limited liability company members and partners shall not be provided under the policy unless the application containing the</p>

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			<p>notice of election is executed and filed with the insurer or insurance producer. The application containing the notice of election shall also contain a statement that the insurer or insurance producer shall not be liable in an action for damages on account of the failure of a business, limited liability partnership, limited liability company or partnership to elect to obtain workers' compensation coverage for a self-employed person, limited liability partner, limited liability company member or partner, unless the insurer or insurance producer causes damage by a willful, wanton or grossly negligent act of commission or omission. The failure of a self-employed person, limited liability partnership, limited liability company or partnership to elect to obtain workers' compensation coverage for the self-employed person, the limited liability partners, the limited liability company members or the partners shall not affect benefits available under any other accident or health policy. Employment shall be deemed to commence when an employee arrives at the employer's place of employment to report for work and shall terminate when the employee leaves the employer's place of employment, excluding areas not under the control of the employer; provided, however, when the employee is required by the employer to be away from the employer's place of employment, the employee shall be deemed to be in the course of employment when the employee is engaged in the direct performance of duties assigned or directed by the employer; but the employment of employee paid travel time by an employer for time spent traveling to and from a job site or of any employee who utilizes an employer authorized vehicle shall commence and terminate with the time spent traveling to and from a job site or the authorized operation of a vehicle on business authorized by the employer. Travel by a policeman, fireman, or a member of a first aid or rescue squad, in responding to and returning from an emergency, shall be deemed to be in the course of employment. Employment shall also be deemed to commence when an employee is traveling in a ridesharing arrangement between his or her place of residence or terminal near such place and his or her place of employment, if one of the following conditions is satisfied: the vehicle used in the ridesharing arrangement is owned, leased or contracted for by the employer, or the employee is required by the employer to travel in a ridesharing arrangement as a condition of employment. "Disability permanent in quality and partial in character" means a permanent impairment caused by a compensable accident or compensable occupational disease, based upon demonstrable objective medical evidence, which restricts the function of the body or of its members or organs; included in the criteria which shall be considered shall be whether there has been a lessening to a material degree of an employee's working ability. Subject to the above provisions, nothing in this definition shall be construed to preclude benefits to a worker who returns to work following a compensable accident even if there be no reduction in earnings. Injuries such as minor lacerations, minor contusions, minor sprains, and scars which do not constitute significant permanent disfigurement, and occupational disease of a minor nature such as mild dermatitis and mild bronchitis shall not constitute permanent disability within the meaning of this definition. "Disability permanent in quality and total in character" means a physical or neuropsychiatric total permanent impairment caused by a compensable accident or compensable occupational disease, where no fundamental or marked improvement in such condition can be reasonably expected. Factors other than physical and neuropsychiatric impairments may be considered in the determination of permanent total disability, where such physical and neuropsychiatric impairments constitute at least 75% or higher of total disability. "Ridesharing" means the transportation of persons in a motor vehicle, with a maximum carrying capacity of not more than 15 passengers, including the driver, where such transportation is incidental to the purpose of the driver. This term shall include such ridesharing arrangements known as carpools and vanpools. "Medical services, medical treatment, physicians' services and physicians' treatment" shall include, but not be limited to, the services which a chiropractor is authorized by law to perform and which are authorized by an employer pursuant to the provisions of R.S.34:15-1 et seq. Amended 1945, c.74, s.11; 1956, c.141, s.5; 1956, c.160, s.1; 1956,</p>

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			c.216; 1979, c.283, s.12;1981, c.413, s.6; 1986, c.35; 1989, c.227; 1994, c.74; 1999, c.383.
NEW MEXICO	Workers' Compensation	Legislative Counsel Service Santa Fe, NM 505-986-4600	Injuries due to intoxication, willfulness or intention of worker are noncompensable N.M. St. Ann. § 52-1-11 (Supp. 2003) http://www.conwaygreene.com/nmsu/lpext.dll/nmsa2007dec/99b/14a10/14a13/14a86?f=templates&fn=document-frame.htm&2.0#JD_52-1-11 and Compensation prohibited when worker under influence of certain drugs N.M. St. Ann. § 52-1-12 (Supp. 2003) http://www.conwaygreene.com/nmsu/lpext.dll/nmsa2007dec/99b/14a10/14a13/14a88?f=templates&fn=document-frame.htm&2.0#JD_52-1-12 and Reduction in compensation when alcohol or drugs contribute to injury or death N.M. St. Ann. § 52-1-12.1 (Supp. 2003) http://www.conwaygreene.com/nmsu/lpext.dll/nmsa2007dec/99b/14a10/14a13/14a8a?f=templates&fn=document-frame.htm&2.0#JD_52-1-121
NEW MEXICO	Unemployment Compensation		Disqualification for benefits N.M. St. Ann. § 51-1-7 http://www.conwaygreene.com/nmsu/lpext.dll/nmsa2007dec/99b/1475d/14760/1479d?f=templates&fn=document-frame.htm&2.0#JD_51-1-7
NEW MEXICO	Transportation Testing		Motor carrier drug and alcohol testing program; report of positive test N.M. St. Ann. § 65-3-14 http://www.conwaygreene.com/nmsu/lpext.dll/nmsa2007dec/99b/1e7e6/1ea21/1ea87?f=templates&fn=document-frame.htm&2.0#JD_65-3-14
NEW YORK	Drug Testing		Medical exam cost N.Y. Labor Law § 201-b (2003) [note: see LAB, Article 7] http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS Drug dealer liability act N.Y. General Obligations Law § 12-101 to 12-110 [note: see GOB, Article 12] http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS
NEW YORK	Unemployment Compensation	New York State Law Library Reference Services, 6th Floor Cultural Education Center Albany, NY 518-474-5355	Disqualification for benefits/misconduct N.Y. Labor Law § 593 http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS
NEW YORK	Workers' Compensation	New York State Library Reference Services, 6th Floor Cultural Education Center Albany, NY 518-474-5355	Liability for compensation N.Y. Workers' Compensation Law § 10 (Supp. 2004) [note: see WKC, Article 2] http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS Presumptions N.Y. Workers' Compensation Law § 21 (Supp. 2004) [note: see WKC, Article 2] http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS
NORTH CAROLINA	Drug Testing	State Library Raleigh, NC 919-733-3270	Controlled Substance Examination Regulation N.C. Gen. Stat. § 95-230 to 95-235 (2003) [note: to see sequential sections of the Code, change the number at the end of the URL in your browser address field] http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_95/GS_95-230.html Clarification of Controlled Substances Examination Regulation 13 NCAC 20.0101 to 20.0602 http://reports.oah.state.nc.us/ncac.asp?folderName=Title%2013%20-%20Labor\Chapter%2020%20-%20Controlled%20Substances%20Examination%20Regulation "Handicap" defined N.C. Gen. Stat. § 168A-3 (2005) http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_168A/GS_168A-

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			3.html Medical exam cost N.C. Gen. Stat. § 14-357.1 (2005) http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-357.1.html Defrauding test N.C. Gen. Stat. § 14-401.20 (2003) http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-401.20.html
NORTH CAROLINA	Unemployment Compensation	State Library Raleigh, NC 919-733-3270	Disqualification for benefits N.C. Gen. Stat. § 96-14(2) (2005) http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_96/GS_96-14.html and Benefit eligibility conditions N.C. Gen. Stat. § 96-13(a)(3)(2005) http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_96/GS_96-13.html
NORTH CAROLINA	Workers' Compensation	State Library Raleigh, NC 919-733-3270	Use of intoxicant or controlled substance; willful neglect; willful disobedience of statutory duty, safety regulation or rule N.C. Gen. Stat. § 97-12 (1993) http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_97/GS_97-12.html
NORTH CAROLINA	Transportation Testing		CDL testing N.C. Gen. Stat. §§ 20-37.19 to 20-37.21 [note: to see sequential sections of the Code, change the number at the end of the URL in your browser address field] http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_20/GS_20-37.19.html
NORTH DAKOTA	Drug Testing		Medical exam cost N.D. Cent. Code § 34-01-15 (2004) http://www.legis.nd.gov/cencode/t34c01.pdf
NORTH DAKOTA	Transportation		School vehicle driver testing N.D. Cent. Code § 15.1-07-20 http://www.legis.nd.gov/cencode/t151c07.pdf CDL testing N.D. Cent. Code § 39-06.2 http://www.legis.nd.gov/cencode/t39c062.pdf Passenger contract carriers testing N.D. Cent. Code § 8-02-08 http://www.legis.nd.gov/cencode/t08c02.pdf
NORTH DAKOTA	Workers' Compensation	Secretary of State Bismarck, ND 701-328--2900	"Compensable injury" defined N.D. Cent. Code § 65-01-02 (10)(b)(3)(2005) http://www.legis.nd.gov/cencode/t65c01.pdf and Burden of proof in compensation matters N.D. Cent. Code § 65-01-11 (2003) http://www.legis.nd.gov/cencode/t65c01.pdf
OHIO	Workers' Compensation	Ohio Legislative Service Commission (LSC) Vern Riffe Center 77 South High Street, Ninth Floor Columbus, OH 614-466-3615 or LSC Library 614-466-2241	Benefits may be denied Ohio Rev. Code §4123.54 (Supp. 2006) http://codes.ohio.gov/orc/4123.54
OHIO	Drug Testing		Medical exam cost Ohio Rev. Code §4113.21 (2001) http://codes.ohio.gov/orc/4113.21 Contracts to require drug-free workplace program Ohio Rev. Code §153.03 (2007) http://codes.ohio.gov/orc/153.03

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			"Disability" defined Ohio Rev. Code §4112.02 (Q) (2004) http://codes.ohio.gov/orc/4112.02
OHIO	Drug-Free Workplace (DFWP) Premium Discount Program	Ohio Bureau of Workers' Compensation Risk Special Programs, 22nd Floor 30 W. Spring Street Columbus, OH 614-728-3205	Drug-free workplace (DFWP) discount program Ohio Administrative Code §§ 4123-17-58 to 4123-17-58.1 (2003) http://codes.ohio.gov/oac/4123-17-58 and http://codes.ohio.gov/oac/4123-17-58.1
OKLAHOMA	Drug Testing	Oklahoma State Senate Oklahoma City, OK 405-521-5642	Standards for Workplace Drug and Alcohol Testing Act Okla. Stat. Ann. Title 40, §§ 551-565 (1999 & Supp. 2005) http://www.lsb.state.ok.us/OKStatutes/CompleteTitles/os40.rtf Drug and Alcohol Testing Rules Okla. Admin. Rules 638-1-1 to 638-7-11 http://www.oar.state.ok.us/oar/codedoc02.nsf/All/6C88CE00D1FADB6286257318001147C4?OpenDocument Medical exam cost Okla. Stat. Ann. Title 40, § 191 (1999) http://www.lsb.state.ok.us/OKStatutes/CompleteTitles/os40.rtf Drug dealer liability Okla. Stat. Ann. Title 63, §§ 2-421 to 2-435 (2004) http://www.lsb.state.ok.us/OKStatutes/CompleteTitles/os63.rtf Department of Rehabilitation Services Drug-Free Workplace Okla. Stat. Ann. §612:20-3-38. http://www.oar.state.ok.us/viewhtml/612_20-3-38.htm Department of Human Services (DHS) drug-free workplace Okla. Stat. Ann. §340:2-1-30 http://www.oar.state.ok.us/viewhtml/340_2-1-30.htm
OKLAHOMA	Unemployment Compensation	Oklahoma State Senate Oklahoma City, OK 405-521-5642	Discharge for refusal to undergo drug or alcohol testing or confirmed positive test Okla. Stat. Ann. §40-2-406.1 http://www2.lsb.state.ok.us/os/os_40-2-406.1.rtf
OKLAHOMA	Workers' Compensation	Oklahoma State Senate Oklahoma City, OK 405-521-5642	Employer to pay compensation - Exceptions - Liability for compensation Okla. Stat. Ann. tit. 85 § 11 (2006) http://www2.lsb.state.ok.us/os/os_85-11.rtf
OREGON	Drug Testing	Oregon Bureau of Labor and Industries Portland, OR 503-229-5737	Testing for substance of abuse; rules; fees Ore. Rev. Stat. § 438.435 (2005) http://www.leg.state.or.us/ors/438.html and Testing for Substances of Abuse OR. Admin. Rule 333-024-0305 to 333-024-0365 (2004) http://arcweb.sos.state.or.us/rules/OARs_300/OAR_333/333_024.html Requiring breathalyzer, polygraph, psychological stress or brain-wave test or genetic test prohibited; exceptions Or. Rev. Stat. §659A.300 (2001) http://www.leg.state.or.us/ors/659a.html Every public improvement contract shall contain a condition that the contractor shall demonstrate that an employee drug testing program is in place. Or. Rev. Stat. § 279C.505(2)(2005) http://www.leg.state.or.us/ors/279c.html Medical exam cost Or. Rev. Stat. §659A.306 http://www.leg.state.or.us/ors/659a.html

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			Illegal use of drugs defined Or. Rev. Stat. §659A.124 (2005) http://www.leg.state.or.us/ors/659a.html
OREGON	Workers' Compensation	Oregon Bureau of Labor and Industries Portland, OR 503-229-5737	"Compensable injury" defined Ore. Rev. Stat. § 656.005(7)(b)(C)(2005) http://www.leg.state.or.us/ors/656.html
OREGON	Transportation Testing		Motor carrier testing and reporting Ore. Rev. Stat. §825.410 (2005) http://www.leg.state.or.us/ors/825.html
OREGON	Unemployment Compensation	Oregon Bureau of Labor and Industries Portland, OR 503-229-5737	Grounds and procedure for disqualification OR. Rev. Stat. §657.176 (2005) http://www.leg.state.or.us/ors/657.html and Drug/Alcohol Adjudication Policy and Absence Due to Alcohol or Drug Use Or. Admin. Rule 471-030-0125 and 471-030-0126 (2006) http://arcweb.sos.state.or.us/rules/OARS_400/OAR_471/471_030.html
PENNSYLVANIA	Drug Testing	Pennsylvania Department of Labor and Industry Harrisburg, FL 717-787-5279	Furnishing drug-free urine 18 Pa. Code § 7509 (1997) (a) Unlawful sale or attempt.--A person commits a misdemeanor of the third degree if he offers for sale, sells, causes to be sold or gives drug-free urine for the purpose of or with the intent or knowledge that the urine will be used for evading or causing deceitful results in a test for the presence of drugs. (b) Use or attempt.--A person commits a misdemeanor of the third degree if he uses or attempts to use drug-free urine as provided in subsection (a) for the purpose of evading or causing deceitful results in a test for the presence of drugs. "Handicap or disability" defined 43 Pa. Code § 954(p.1)(3) (Supp. 2006) (p.1) The term "handicap or disability," with respect to a person, means: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. § 802)
PENNSYLVANIA	Unemployment Compensation		Ineligibility for compensation 43 Pa. Code § 802 (e.1) (Supp. 2006) An employee shall be ineligible for compensation for any week— (e.1) In which his unemployment is due to discharge or temporary suspension from work due to failure to submit and/or pass a drug test conducted pursuant to an employer's established substance abuse policy, provided that the drug test is not requested or implemented in violation of the law or of a collective bargaining agreement.
PENNSYLVANIA	Transportation Testing		CDL testing 75 Pa. Code §§ 1611 to 1614 § 1611 Disqualification (a) Disqualification for first violation of certain offenses.--Upon receipt of a report of conviction, the department shall, in addition to any other penalties imposed under this title, disqualify any person from driving a commercial motor vehicle or school vehicle for a period of one year for the first violation of: (1) section 3802 (relating to driving under influence of alcohol or controlled substance) or former section 3731, where the person was a commercial driver at the time the violation occurred; (2) section 3742 (relating to accidents involving death or personal injury), where the person was a commercial driver at the time the violation occurred; (3) section 3743 (relating to accidents involving damage to attended vehicle or property), where the person was a commercial driver at the time the violation occurred; (4) section 3745 (relating to accidents involving damage to unattended vehicle or property), where the person was a commercial driver at the time the violation occurred; (5) any felony in the commission of which a court determines a motor vehicle was essentially involved and where the person was a commercial driver at the time the violation occurred, except as described in subsection (e); (6) section 1606(c) (relating to requirement for commercial driver's license), while their driving privilege is suspended, revoked, canceled or

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			<p>recalled or while subject to disqualification or in violation of an out-of-service order; or (7) any offense wherein the person caused the death of a person as a result of a motor vehicle accident through the negligent operation of a commercial motor vehicle, including, but not limited to, a violation of 18 Pa.C.S. § 2504 (relating to involuntary manslaughter) or a violation of section 3732 (relating to homicide by vehicle). (b) Disqualification for offense while carrying hazardous materials.--The department shall disqualify any person from driving a commercial motor vehicle for three years if any of the first offenses in subsection (a) or first refusal in section 1613 (relating to implied consent requirements for commercial motor vehicle drivers) occurred while transporting a hazardous material required to be placarded. (c) Disqualification for two violations of certain offenses.--The department shall disqualify for life any person convicted of two or more violations of any of the offenses specified in subsection (a), or the subject of two or more reports of test refusal as specified in section 1613, or any combination of those offenses and/or refusals, arising from two or more separate and distinct incidents. Only offenses committed after the effective date of this chapter may be considered in applying this subsection. (d) Mitigation of disqualification for life.--The department may issue regulations establishing guidelines, including conditions, under which a disqualification for life under subsection (c) may be reduced to a period of not less than ten years, if such reductions are permitted by Federal regulations. (e) Disqualification for controlled substance offenses.--The department shall disqualify any person from driving a commercial motor vehicle for life who is convicted of using a motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance or possession with intent to manufacture, distribute or dispense a controlled substance where either: (1) the person was a commercial driver's license holder at the time of the commission of the felony; or (2) the motor vehicle used in the commission of the felony was a commercial motor vehicle. There shall be no exceptions or reductions to this disqualification for life. (f) Disqualification for failure to have CDL.--In addition to any other disqualification required by this section, the department shall disqualify any person from driving a commercial motor vehicle for six months upon receiving a report of the person's conviction of violating section 1606(a). (g) Disqualification for serious traffic offenses.--The department shall disqualify any person from driving a commercial motor vehicle for a period of 60 days if convicted of two serious traffic violations, or 120 days if convicted of three serious traffic violations, arising from separate and distinct incidents occurring within a three-year period. A violation will only be considered a serious traffic violation for purposes of this subsection where: (1) the person was a commercial driver's license holder at the time of the violation, and conviction of the violation results in a revocation, cancellation or suspension of the person's operating privileges for noncommercial motor vehicles; or (2) the person was operating a commercial motor vehicle at the time of the violation. (h) Conviction in Federal court or another state.--For purposes of the provisions of this section, a copy of a report of conviction or a copy of a report of administrative adjudication from a Federal court or another state for an offense similar to those offenses which would result in disqualification in this section shall be treated by the department as if the conviction had occurred in this Commonwealth. A conviction for negligent homicide shall be treated as similar to either a conviction for violating 18 Pa.C.S. § 2504 or a conviction for violating section 3732 for purposes of the provisions of this section. (i) Surrender of license.--Upon the disqualification of the commercial driving privilege or school vehicle driving privilege of a person, the license shall be surrendered as provided in section 1540 (relating to surrender of license). If the person is not a CDL holder, then the person shall submit an acknowledgment of disqualification to the department in lieu of the license. (j) Updating driving record.--After disqualifying, suspending, revoking, recalling or canceling a commercial driving privilege, the department shall update its records to reflect that action. After disqualifying, suspending, revoking, recalling or canceling a commercial driving privilege issued by another state, the department shall notify the licensing authority of the state which</p>

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			<p>issued the commercial driver's license or nonresident commercial driver's license. In addition to any other records required or authorized to be kept by the department, the department shall file or make suitable notation in its records thereof all reports of the conviction of any violation, in any motor vehicle, of a State or local traffic control law, except a parking violation, and also for any other report of conviction or report of test refusal that results in disqualification pursuant to this chapter, of a person who was a commercial driver at the time of the violation that are received by the department from any court or administrative body of the Commonwealth, another state or the Federal Government. Such reports or suitable notations may be stored and admitted into evidence by the department as provided in section 1516(b) (relating to department records). Notwithstanding any other provision of law, no record maintained by the department in accordance with the provisions of this subsection may be expunged by order of court. (k) Disqualification for railroad crossing offenses.--The department shall disqualify any person from driving a commercial motor vehicle upon receiving a report of the person's conviction for an offense under section 3341 (relating to obedience to signal indicating approach of train), 3342 (relating to vehicles required to stop at railroad crossings) or 3343(a), (c) or (d) (relating to moving heavy equipment at railroad grade crossings) committed in a commercial vehicle as follows: (1) 60 days for a first conviction. (2) 120 days for a second conviction arising from separate and distinct incidents occurring within a three-year period. (3) One year for a third conviction arising from separate and distinct incidents occurring within a three-year period. (l) Disqualification for incomplete or fraudulent application.--The department shall disqualify any person from driving a commercial motor vehicle for 60 days upon canceling the person's commercial driver's license pursuant to section 1572(a)(1)(ii) (relating to cancellation of driver's license) involving an application related to the requirements of this chapter. (m) Limitation on noncommercial motor vehicle-based disqualifications.--A violation which occurred prior to the effective date of this subsection and which did not involve a commercial motor vehicle shall not be considered by the department for purposes of applying a disqualification pursuant to this section. § 1612 Commercial and school vehicle drivers prohibited from operating with any alcohol in system (a) Offense defined.--Notwithstanding any other provision of this title, a person shall not drive, operate or be in physical control of a school vehicle or a commercial motor vehicle while having any alcohol in his system. (b) Penalty.— (1) A person who violates subsection (a) while driving, operating or in physical control of a commercial motor vehicle commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. A person who drives, operates or is in physical control of a commercial motor vehicle while having alcohol in his system or who refuses to take a test to determine his alcohol content as provided by section 1613 (relating to implied consent requirements for commercial motor vehicle drivers) shall be placed out of service for 24 hours. (2) A person who violates subsection (a) while driving, operating or in physical control of a school bus or a school vehicle commits a summary offense and shall, upon conviction, be sentenced to pay a minimum fine of \$ 250, and for a person convicted of a second or subsequent offense the sentencing court shall order the person to pay a fine of \$500. A person who drives, operates or is in physical control of a school bus or a school vehicle while having alcohol in his system or who refuses to take a test to determine his alcohol content as provided by section 1613 shall be placed out of service by his employer for 30 days. § 1613. Implied consent requirements for commercial motor vehicle drivers (a) Implied consent.--A person who drives a commercial motor vehicle in this Commonwealth is deemed to have given consent to take a test or tests of the person's breath, blood or urine for the purpose of determining the person's alcohol concentration or the presence of other controlled substances. (b) Tests ordered by police officer.--A test or tests may be administered at the direction of a police officer who, after stopping or detaining the commercial motor vehicle driver, has reasonable grounds to believe that the driver was driving a commercial motor vehicle while having any alcohol in his system. (c) Warning against refusal.--A person requested to submit to a test as provided</p>

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			<p>in subsection (a) shall be warned by the police officer requesting the test that refusal to submit to the test will result in the person's being disqualified from operating a commercial motor vehicle under subsection (e). (d) Report on test refusal.--If the person refuses testing, the police officer shall submit a sworn report to the department certifying that the test was requested pursuant to subsection (a) and that the person refused to submit to testing. (d.1) Disqualification for refusal.--Upon receipt of a report of test refusal, the department shall disqualify the person who is the subject of the report for the same period as if the department had received a report of the person's conviction for violating one of the offenses listed in section 1611(a) (relating to disqualification). A person who is disqualified as a result of a report of test refusal that originated in this Commonwealth shall have the same right of appeal as provided for in cases of suspension. Where the report of test refusal originated from another state or other foreign jurisdiction, the review of a court on an appeal from a disqualification under this subsection shall be limited to whether the department has received a report of refusal and whether the person has successfully established one of the following defenses: (1) The person being disqualified is not the one identified in the report. (2) The person has successfully contested the report in the jurisdiction from which it originated. (3) The department has erred in determining the length of the disqualification to be imposed as a result of the report of test refusal. (d.2) Limitation on noncommercial motor vehicle-based refusal.--A report of test refusal which occurred prior to the effective date of this subsection and which did not involve a commercial motor vehicle shall not be considered by the department for purposes of applying a disqualification pursuant to this section. (d.3) Definition.--As used in this section, the term "report of test refusal" shall mean the following: (1) A report of a police officer submitted to the department that a person refused to submit to testing requested under this section. (2) A notice by a police officer to the department of a person's refusal to take a test requested pursuant to section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) where the person was a commercial driver at the time relevant to the refusal. (3) Any document, including an electronic transmission, submitted to the department from a court of competent jurisdiction indicating that a person was convicted of an offense that involves the refusal to submit to testing for alcohol or controlled substances where the person was a commercial driver at the time of the violation. (4) Any document, including an electronic transmission, submitted to the department from a court, administrative tribunal, administrative agency or police officer or other agent of another state or other foreign jurisdiction indicating that a person refused to take a test requested to aid enforcement of a law against driving while under the influence of alcohol or a controlled substance where the person was a commercial driver at the time relevant to the refusal. (e), (f) Deleted by 2005, July 5, P.L. 100, No. 37, § 7, effective 90 days after publication of notice in the Pennsylvania Bulletin [Oct. 14, 2005]. § 1614. Notification of traffic convictions After receiving a report of the conviction of any holder of a commercial driver's license issued by another state, or any person who is a holder of a driver's license issued by another state and who was operating a commercial motor vehicle at the time of the violation, for violation of this chapter or Chapter 15 (relating to licensing of drivers), 17 (relating to financial responsibility), 31 (relating to general provisions), 33 (relating to rules of the road in general) or 37 (relating to miscellaneous provisions) committed in a commercial motor vehicle, the department shall notify the driver licensing authority in the licensing state of the conviction.</p>
PENNSYLVANIA	Workers' Compensation Premium Reduction		<p>Drug Free Pennsylvania and the State Workers' Insurance Fund ("SWIF") have a Program that provides a discount to SWIF's insured companies having a total premium and assessment of \$20,000 and over that enroll in Drug Free Pennsylvania's "Drugs Don't Work Here" Program. The Program is completely voluntary, and your company could realize up to a 5% one time schedule premium credit, after policy expiration. State Workers Insurance Fund http://www.dli.state.pa.us/landi/cwp/view.asp?a=151&q=209800</p>

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PENNSYLVANIA	Workers' Compensation	Senate Bill Room Room 34 Main Capitol Building Harrisburg, PA 717-787-6732	Compensation according to schedule; injury or death self-inflicted or caused by violation of law 77 Pa. Code § 431 (2002) Every employer shall be liable for compensation for personal injury to, or for the death of each employe, by an injury in the course of his employment, and such compensation shall be paid in all cases by the employer, without regard to negligence, according to the schedule contained in sections three hundred and six and three hundred and seven [FN1] of this article: Provided, That no compensation shall be paid when the injury or death is intentionally self inflicted, or is caused by the employee's violation of law, including, but not limited to, the illegal use of drugs, but the burden of proof of such fact shall be upon the employer, and no compensation shall be paid if, during hostile attacks on the United States, injury or death of employees results solely from military activities of the armed forces of the United States or from military activities or enemy sabotage of a foreign power. In cases where the injury or death is caused by intoxication, no compensation shall be paid if the injury or death would not have occurred but for the employee's intoxication, but the burden of proof of such fact shall be upon the employer.
RHODE ISLAND	Drug Testing	Rhode Island Department of Labor Providence, RI 401-457-1870	Urine and Blood Tests as a Condition of Employment--Testing permitted R.I. Gen. Laws §28-6.5-1 (2003) http://www.rilin.state.ri.us/Statutes/TITLE28/28-6.5/28-6.5-1.HTM and Testing of prospective employees R.I. Gen. Laws §28-6.5-2 (2003) http://www.rilin.state.ri.us/Statutes/TITLE28/28-6.5/28-6.5-2.HTM Cost of physical examination R.I. Gen. Laws §28-6.2-1(2003) http://www.rilin.state.ri.us/Statutes/TITLE28/28-6.2/28-6.2-1.HTM
RHODE ISLAND	Workers' Compensation	Rhode Island Department of Labor Providence, RI 401-457-1870	Benefits denied for injury or death resulted from employee intoxication or unlawful use of controlled substances. R.I. Gen. Laws §28-33-2 (2003) http://www.rilin.state.ri.us/Statutes/TITLE28/28-33/28-33-2.HTM
SOUTH CAROLINA	Drug-Free Workplace Requirements	Legislative Information Systems Room 112, Blatt Building 1105 Pendelton Street Columbia, SC 803-734-2060	The Drug-free Workplace Act Certification that drug-free conditions exist required for eligibility for state grants and contracts of fifty thousand dollars or more. South Carolina Code of Laws §§44-107-10 to 44-107-90 (1991) http://www.scstatehouse.net/code/t44c107.htm
SOUTH CAROLINA	Workers' Compensation	Legislative Information Systems Room 112, Blatt Building 1105 Pendelton Street Columbia, SC 803-734-2060	Injury or death occasioned by intoxication, and burden of proof South Carolina Code of Laws §42-9-60 (1985) http://www.scstatehouse.net/code/t42c009.htm and Exceptions to compensation South Carolina Code of Laws §42-11-100 (2)(1993) http://www.scstatehouse.net/code/t42c011.htm
SOUTH CAROLINA	Drug Testing	South Carolina Department of Labor Columbia, SC	Defrauding drug and alcohol screening tests South Carolina Code of Laws §16-13-470 (2003) http://www.scstatehouse.net/code/t16c013.htm "Illegal use of drugs" and "drug" defined South Carolina Code of Laws §1-13-30 (Q)(R)(Supp. 2003) http://www.scstatehouse.net/code/t01c013.htm Security officer testing South Carolina Code of Laws §40-18-80 http://www.scstatehouse.net/code/t40c018.htm

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		8037349600	Drug dealer liability act South Carolina Code of Laws §44-54-40 http://www.scstatehouse.net/code/t44c054.htm
SOUTH CAROLINA	Workers' Compensation Premium Reduction Act		Establishment of drug prevention program in workplace; confidentiality of information concerning test results South Carolina Code of Laws §41-1-15 (Supp. 2005) http://www.scstatehouse.net/code/t41c001.htm Premium reduction of at least five percent for an insured who participates in a program designed to prevent the use of drugs or alcoholic beverages on the job by employees of the insured South Carolina Code of Laws §§38-73-490 to 38-490-500 http://www.scstatehouse.net/code/t38c073.htm
SOUTH CAROLINA	Unemployment Compensation		Disqualification for benefits, and payments which shall not be charged to former employer South Carolina Code of Laws §§41-35-120 to 41-35-130 (2005) http://www.scstatehouse.net/code/t41c035.htm
SOUTH CAROLINA	Transportation Testing		Disqualification from driving commercial motor vehicle South Carolina Code of Laws §56-1-2110 http://www.scstatehouse.net/code/t56c001.htm
SOUTH DAKOTA	Drug Testing		"Disability" defined. S.D. Codified Laws Ann. § 20-13-1 (4)(1995) http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=20-13-1%20&Type=Statute Medical exam cost. S.D. Codified Laws Ann. § 60-11-2 (1993) http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=60-11-2%20&Type=Statute Drug screening program for specified facilities providing patient or resident care or supervision. S.D. Codified Laws Ann. §§ 1-36A-20 to 1-36A-24 (2005) http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=1-36A&Type=Statute Drug screening policy for adjustment training centers. S.D. Codified Laws Ann. § 27B-1-19 http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=27B-1-19 Civil liability for drug dealers. S.D. Codified Laws Ann. §§ 34-20C-1 to 34-20C-19 (Supp. 2003) http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=34-20C
SOUTH DAKOTA	Transportation Testing		CDL testing S.D. Codified Laws Ann. §§ 32-12A-36 to 32-12A-50 http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=32-12A
SOUTH DAKOTA	Workers' Compensation	Legislative Research Counsel 500 East Capitol Avenue 3rd Floor Pierre, SD 605-773-3821	Benefits may be denied if injury or death due to the employee's willful misconduct, including intentional intoxication, or illegal use of any schedule I or schedule II drug. The burden of shall be on the defendant employer. S.D. Codified Laws Ann. § 62-4-37 (1993) http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=62-4-37%20&Type=Statute
TENNESSEE	Workers' Compensation	Tennessee Department of Labor and Workforce Development Workers' Compensation Division 710 James Robertson Parkway, 2nd Floor Nashville, TN 615-741-2395 615-532-1468	Injuries not covered — Drug and alcohol testing. Tennessee Code § 50-6-110 http://www.michie.com/tennessee/lpext.dll?f=FifLink&t=document-frame.htm&=jump&iid=4c5e6af1.10ceab2.0.0&nid=b55d#JD_50-6-110 Drug Free Workplace Programs, Rules of Department of Labor Division of Workers' Compensation Tennessee Code §§ 0800-2-12.01 to 0800-2-12.15 http://www.tennessee.gov/sos/rules/0800/0800-02/0800-02-12.pdf

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TENNESSEE	Unemployment Compensation	Tennessee Department of Labor and Workforce Development 710 James Robertson Parkway Nashville, TN 615-741-2257	Disqualification for benefits. Tennessee Code §50-7-303 (a) (2) http://www.michie.com/tennessee/lpext.dll?f=FifLink&t=document-frame.htm&l=jump&iid=4c5e6af1.10ceab2.0.0&nid=b6a3#JD_50-7-303
TENNESSEE	Workers' Compensation Premium Reduction Program	Tennessee Legislative Administration G-11 War Memorial Building Nashville, TN 615-741-3569	Rating plans based on drug-free workplace program participation. Tennessee Code §50-6-418 http://www.michie.com/tennessee/lpext.dll?f=FifLink&t=document-frame.htm&l=jump&iid=4c5e6af1.10ceab2.0.0&nid=b611#JD_50-6-418
TENNESSEE	Drug Free Workplace	Tennessee Department of Labor and Workforce Development Drug-Free Workplace Program Andrew Johnson Tower, Second Floor 710 James Robertson Parkway Nashville, TN 800-332-2667 or 615-741-2257	Drug-free Workplace Programs Tennessee Code Title 50, Chapter 9 http://www.michie.com/tennessee/lpext.dll/tncode/17afa/18286?fn=document-frame.htm&f=templates&2.0#
TENNESSEE	Transportation		Passenger transportation services. Tennessee Code §65-15-128 (a) (2) http://www.michie.com/tennessee/lpext.dll?f=FifLink&t=document-frame.htm&l=jump&iid=4c5e6af1.10ceab2.0.0&nid=f05f#JD_65-15-128 Child care agency, basis for licensing. Tennessee Code §71-3-502 (d) (7) (c) (iv) http://www.michie.com/tennessee/lpext.dll/tncode/25f99/26191/2622f/26236?fn=document-frame.htm&f=templates&2.0#
TENNESSEE	Drug Testing		Drug or alcohol use not "handicap" or "disability" — Drug or alcohol use "cause" for firing or failure to hire. Tennessee Code §50-9-108 http://www.michie.com/tennessee/lpext.dll/tncode/17afa/18286/182ab?f=hitlist&q=50-9-108&x=Advanced&opt=&skc=80000002000182AC&c=curr&gh=1&2.0#LPHit1 State and local government construction contracts. Tennessee Code §50-9-113 http://www.michie.com/tennessee/lpext.dll/tncode/17afa/18286/182c4?f=hitlist&q=50-9-113&x=Advanced&opt=&skc=80000002000182C5&c=curr&gh=1&2.0#LPHit1 Information to be included within bid or procurement specifications for construction services —

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			Contesting a contract. Tennessee Code §50-9-114 http://www.michie.com/tennessee/lpext.dll?f=FifLink&t=document-frame.htm&l=jump&iid=4c5e6af1.10ceab2.0.0&nid=b71b#JD_50-9-114 Temporary employment agencies exempt from drug-free workplace requirements. Tennessee Code §50-9-112 http://www.michie.com/tennessee/lpext.dll?f=FifLink&t=document-frame.htm&l=jump&iid=4c5e6af1.10ceab2.0.0&nid=b717#JD_50-9-112
TEXAS	Transportation Testing		Motor carrier testing Texas Transportation Code § 643.052(6) (2003) http://tlo2.tlc.state.tx.us/statutes/docs/TN/content/htm/tn.007.00.000643.00.htm#643.052.00 CDL testing Texas Transportation Code § 522.081 to 522.106 http://tlo2.tlc.state.tx.us/statutes/docs/TN/content/htm/tn.007.00.000522.00.htm#522.081.00
TEXAS	Drug Testing	Legislative Reference Bureau P.O. Box 12488. Capiot Building Austin, TX 512-463-1252	Policy against use or possession of controlled substances Texas Labor Code § 21.120 (2006) http://tlo2.tlc.state.tx.us/statutes/docs/LA/content/htm/la.002.00.000021.00.htm#21.120.00 Falsification of drug test Texas Health and Safety Code § 481.133 (2003) http://tlo2.tlc.state.tx.us/statutes/docs/HS/content/htm/hs.006.00.000481.00.htm#481.133.00 “Disability” defined Texas Labor Code § 21.002(6) (2006) http://tlo2.tlc.state.tx.us/statutes/docs/LA/content/htm/la.002.00.000021.00.htm#21.002.00
TEXAS	Workers' Compensation	Legislative Reference Bureau P.O. Box 12488. Capiot Building Austin, TX 512-463-1252	Benefits may be denied if employee was in a state of intoxication Texas Labor Code § 406.032 (1997) http://tlo2.tlc.state.tx.us/statutes/docs/LA/content/htm/la.005.00.000406.00.htm#406.032.00 “Intoxication” defined Texas Labor Code § 401.013 (2006) http://tlo2.tlc.state.tx.us/statutes/docs/LA/content/htm/la.005.00.000401.00.htm#401.013.00
UTAH	Drug Testing	Legislative Research and General Counsel Salt Lake City, UT 801-538-1032	Drug and alcohol testing Utah Code §§ 34-38-1 to 34-38-15 (2001) http://le.utah.gov/~code/TITLE34/34_10.htm Medical exam fee Utah Code § 34-33-1 (2001) http://le.utah.gov/~code/TITLE34/htm/34_0D002.htm Drug dealer's liability act Utah Code §§ 58-37e-1 to 58-37e-14 (2002) http://le.utah.gov/~code/TITLE58/58_17.htm Drug testing of state employees Utah Code § 67-19-36 http://le.utah.gov/~code/TITLE67/htm/67_0F043.htm
UTAH	Workers' Compensation	Legislative Research and General Counsel Salt Lake City, UT 801-538-1032	Employee's willful misconduct Utah Code § 34A-2-302 (2001) http://le.utah.gov/~code/TITLE34A/htm/34A02030.htm
UTAH	Unemployment Compensation		Abuse of drugs and alcohol Utah Administrative Code R994-405-208 (7) (2001) http://www.rules.utah.gov/publicat/code/r994/r994-405.htm#T20
UTAH	Transportation Testing		CDL disqualification or suspension Utah Code §§ 53-3-414 to 53-3-418 http://le.utah.gov/~code/TITLE53/htm/53_03063.htm
VERMONT	Workers' Compensation		Injuries not covered; burden of proof Vermont Stat. Tit. 21, § 649 (2003) http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=21&Chapter=009&Section=00649
VERMONT	Transportation		CDL testing Vermont Stat. Tit. 23, § 4116 http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=23&Chapter=039&Section=04116
VERMONT	Drug Testing	Legislative Counsel	Drug testing of applicants and employees Vermont Stat. Tit. 21, §§ 511-520 (2003) http://www.leg.state.vt.us/statutes/sections.cfm?Title=21&Chapter=005

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		Drawer 33 115 State Street Montpelier, VT 802-828-2231	"Disability" defined Vermont Stat. Tit. 21, § 495d (6)(B) (2003) http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=21&Chapter=005&Section=00495d Medical exam cost Vermont Stat. Tit. 21, § 301 (2003) http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=21&Chapter=005&Section=00301 Therapeutic Use Of Cannabis Vermont Stat. Tit. 18, §§ 4472-4474 (Supp. 2005) http://www.leg.state.vt.us/statutes/sections.cfm?Title=18&Chapter=086
VIRGINIA	Unemployment Compensation	Legislative Reference Center 910 Capitol Street General Assembly Building, 2nd Floor Richmond, VA 804-786-3591 (phone) 804-371-0169 or 804-692-0625 (fax)	Disqualification for benefits. Code of Virginia § 60.2-618 (2)(b)(Supp. 2004) and (3)(d)(Supp. 2005) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+60.2-618
VIRGINIA	Workers' Compensation	Legislative Reference Center 910 Capitol Street General Assembly Building, 2nd Floor Richmond, VA 804-786-3591 (phone) 804-371-0169 or 804-692-0625 (fax)	When compensation not allowed for injury or death; burden of proof. Code of Virginia § 65.2-306 (2002) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+65.2-306
VIRGINIA	Workers' Compensation Premium Reduction Program	Commonwealth of Virginia State Corporation Commission Bureau of Insurance P.O. Box 1157 Richmond, VA 804-371-9185 or 877-310-6560	Premium discounts; drug-free workplace programs. Code of Virginia § 65.2-813.2 (2002) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+65.2-813.2 and The Bureau of Insurance has a listing of all companies licensed in the Commonwealth of Virginia. http://www.scc.virginia.gov/division/boi/webpages/boicompanyinfo.htm
VIRGINIA	Drug Testing	Legislative Reference Center 910 Capitol Street General Assembly Building, 2nd Floor	Definition of "Mental impairment." Code of Virginia § 51.5-3 (2005) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+51.5-3 Defeating drug and alcohol screening tests; penalty. Code of Virginia § 18.2-251.4 (Supp. 2003) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-251.4 Unlawful to require payment for medical examination as condition of employment. Code of Virginia § 40.1-28 (2002) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+40.1-28

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		Richmond, VA 804-786-3591 (phone) 804-371-0169 or 804-692-0625 (fax)	
VIRGINIA	Drug-Free Workplace Requirements	Legislative Reference Center 910 Capitol Street General Assembly Building, 2nd Floor Richmond, VA 804-786-3591 (phone) 804-371-0169 or 804-692-0625 (fax)	Drug-free workplace to be maintained by contractor; required contract provisions. Code of Virginia § 2.2-4312 (2005) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4312
WASHINGTON	Unemployment Compensation	Washington Department of Labor and Industries General Administration Bldg. MS HC-101 Olympia, WA 206-753-6307	Disqualification from benefits due to misconduct. Revised Code of Washington 50.20.060 http://apps.leg.wa.gov/RCW/default.aspx?cite=50.20.060
WASHINGTON	Drug-Free Workplace		Drug-free workplace programs have expired Revised Code of Washington Chapter 49.82 Dispositions http://apps.leg.wa.gov/rcw/dispo.aspx?cite=49.82
WASHINGTON	Transportation		CDL Testing and Disqualification Revised Code of Washington 46.25.090 - .125 http://apps.leg.wa.gov/RCW/default.aspx?cite=46.25
WEST VIRGINIA	Unemployment Compensation	Legislative Reference and Information Center 1900 Kanawha Blvd. East Charleston, WV 304-347-4836	Disqualification for benefits. West Virginia Code §21A-6-3 (2) (2003) http://www.legis.state.wv.us/WVCODE/code.cfm?chap=21a&art=6&section=WVC%2021%20A-%20%206%20%20-%20%20%203%20%20.htm#WVC21A-6-3.htm
WEST VIRGINIA	Workers' Compensation	Legislative Reference and Information Center 1900 Kanawha Blvd. East Charleston, WV	Disbursement where injury is self-inflicted or intentionally caused by employer, etc. West Virginia Code §23-4-2 (a) (2003) http://www.legis.state.wv.us/WVCODE/code.cfm?chap=23&art=4&section=WVC%2023%20%20-%20%204%20%20-%20%20%202%20%20.htm#WVC23-4-2.html

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		304-347-4836	
WEST VIRGINIA	Underground Mine Inspectors	Legislative Reference and Information Center 1900 Kanawha Blvd. East Charleston, WV 304-347-4836	Employment of underground mine inspectors, etc. West Virginia Code §22A-1-12 (e) (1) http://www.legis.state.wv.us/WVCODE/code.cfm?chap=22a&art=1&section=WVC%2022%20A-%20%201%20%20-%20%2012%20%20.htm#WVC22A-1-12.htm
WEST VIRGINIA	Drug Testing	Legislative Reference and Information Center 1900 Kanawha Blvd. East Charleston, WV 304-347-4836	Employers not to require payment of fees for medical examination as condition of employment; enforcement. West Virginia Code §21-3-17 (c) (2003) http://www.legis.state.wv.us/WVCODE/code.cfm?chap=21&art=3&section=WVC%2021%20%20-%20%20203%20%20-%20%2017%20%20.htm#WVC21-3-17.htm Pre-employment testing of employees of corrections institutions. West Virginia Code §25-1-11 http://www.legis.state.wv.us/WVCODE/code.cfm?chap=25&art=1&section=WVC25-1-11.htm#WVC25-1-11.htm
WISCONSIN	Drug Testing		Substance abuse prevention on public works projects. Wisconsin Statute §103.503 http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=WI:Default&d=stats&jd=103.503 Cost of a medical examination. Wisconsin Statute §103.37(2m) (2002) http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=WI:Default&d=stats&jd=103.37
WISCONSIN	Workers' Compensation	Senate Chief Clerk's Office Madison, WI 608-266-2517	Decreased compensation. Wisconsin Statute §102.58 (2004) http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=WI:Default&d=stats&jd=102.58
WYOMING	Workers' Compensation	Legislative Service Office 213 Capitol Building Cheyenne, WY 307-777-7881 (tel) 307-777-5466 (fax)	Definition of "Injury" Wyoming Statute §27-14-102 (a)(xi)(B) (2005) http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title27/T27CH14.htm
WYOMING	Unemployment Compensation	Legislative Service Office 213 Capitol Building Cheyenne, WY 307-777-7881 (tel) 307-777-5466 (fax)	Disqualifications from entitlement; grounds; forfeiture. Wyoming Statute §27-3-311 (f) (2004) http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title27/T27CH3AR3.htm
WYOMING	Substance Abuse Control Plan	Legislative Service Office 213 Capitol	Substance abuse control plan. Wyoming Statute §9-2-2701 (a) (b) (c) (2004) http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title9/T9CH2AR27.htm

State	Division	Contact	Summary of laws
		Building Cheyenne, WY 307-777-7881 (tel) 307-777-5466 (fax)	
WYOMING	Workers Safety Program Rate Discount Program	Wyoming Workers' Safety and Compensation Division OSHA-Risk Management Services Attn: Safety Discount Program 1510 E. Pershing - West Wing Cheyenne, WY 307-777-7786 307-777-3646	Rates and classifications; rate surcharge. Wyoming Statute §27-14-201 (o) (2004) http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title27/T27CH14AR2.htm