

Why Drug Testing?



The latest available figures from the federal government reveal there are about **58 million** Americans 12 and older who admit to using illicit drugs.

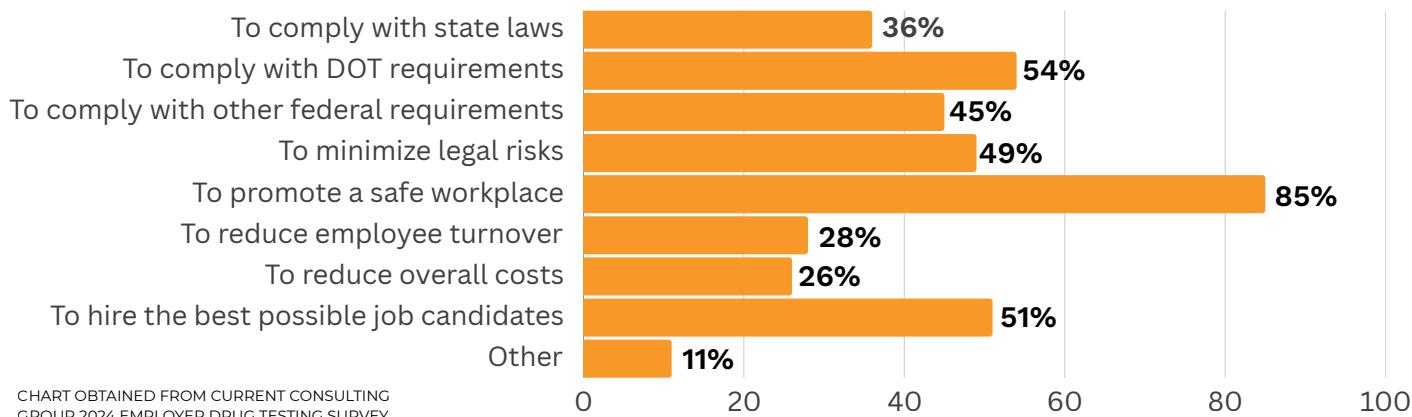


Among adults in that group, approximately **15% are employed**.



That's about **1-in-6** workers who are admitted substance abusers.

Why Establish and Maintain a Drug Testing Program?



Types of Drug Testing Laws



Mandatory/Voluntary



Case Law



Workers' and Unemployment Compensation



Industry Specific



Medical and Recreational Marijuana

DOT and Non-DOT Regulated Workplace Drug Testing

DOT Annual Testing Volume

- There are between **30 and 40 million workplace drug tests** conducted per year.
- There are approximately **6 million DOT-mandated drug tests** conducted annually, with the majority (3.9 million) falling under the FMCSA.
- DOT tests represent between a **relatively small percentage** of the overall drug testing market.



How Laws and Regulations Work Together

- Federal regulations **always** trump state laws.
- State laws **always** trump city ordinances.
- When in doubt, **follow the narrowest definition** provided.
- Laws, regulations, case law, and unemployment/workers' comp laws **can often be contradictory**.
- Drug-free workplace policies need to **ensure compliance with specific state laws**.
- **Multi-state employers** should have **custom addendums** for each state in which they operate.
- **Template/blanket policies** are never sufficient.
- Compliant policies not only insulate from potential legal outcomes, but also ensure that you are eligible for all available incentives.

When must testing occur?

- Pre-employment
- Reasonable suspicion
- Post-accident
- Random
- Return-to-duty
- Follow-up

