



DrugPak

Quarterly Newsletter

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Are Employers' Objectives for Workplace Drug Testing Shifting?

Drug testing is an essential tool for employers to determine the presence of drugs, including prescription drugs, illicit drugs, and alcohol in an individual's system. It's a process that involves testing biological samples such as urine, blood, hair, or saliva to detect the presence of drugs. Drug testing employees has been a common practice for many years and the evolution of workplace drug testing is ever changing. Perhaps the objectives are changing as well.

Why Drug Testing?

When workplace drug testing programs started gaining popularity more than 30 years ago, employers quickly experienced many benefits. The overwhelming evidence and value of a drug testing program included the following:

1. Reduced Employee Theft

The types of theft include any loss such as missing money or products, accounting errors, and broken items.

2. Increased Productivity

Individuals abusing drugs often don't fully focus on their work, leading to low work output, and find making sound decisions difficult, leading to poor performance. Drug-free workers tend to be much more productive than their drug-using co-workers.

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Why Drug Testing Series – Part 1: Why Drug Testing?

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Why Drug Testing Series – Part 2: The Value of Drug Testing Methodologies and Testing Panels

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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?

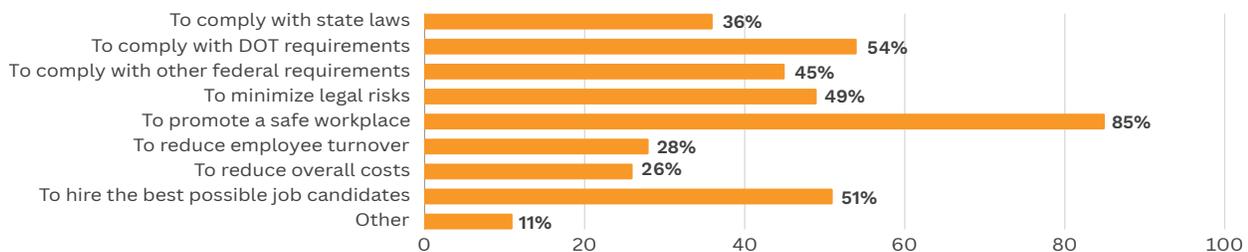


CHART OBTAINED FROM CURRENT CONSULTING GROUP 2024 EMPLOYER DRUG TESTING SURVEY

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

How to Address Marijuana in the Workplace

Drug use in the workplace is a growing threat to the safety and productivity of businesses. Among the threat is legal drug use, including in many states marijuana use. In 40 states marijuana is now legal for medicinal use and in 25 states it is legal for recreational use. This accessibility is impacting the workplace, and it is imperative that employers know the extent of the problem and how to combat it.

Why Continue Testing for Marijuana?

To be clear, discontinuing testing for marijuana is a bad business decision. It will lead to hiring more drug users and having more workers under the influence of drugs on the job every day. This will lead to an increase in workplace accidents, workers' compensation claims filed, and lawsuits from co-workers who are injured, customers who suffer losses, and the general public who are harmed by your marijuana-impaired employees.



The legalization of pot has not made marijuana a harmless drug to use. The truth is marijuana-impaired workers are less safe, less productive, and more expensive to employ. A marijuana-impaired employee making deliveries in a company van, operating a forklift, or preparing a client's taxes is more likely to do something that brings harm to others than a non-drug using, unimpaired worker. This is especially true for companies in safety-sensitive industries.

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What Is Medical Review?



The medical review component of the drug testing process is no less critical than any other; however, it can be erroneously discounted as a minor step in the overall drug testing process. Interactions between a Medical Review Officer (MRO), donor, or MRO staff member can be brief, and almost always occurs behind the proverbial closed door. However, a drug testing process without medical review could lead to unreliable or inaccurate results.

Even a modest understanding of the medical review process can be beneficial to both employers and donors. Knowledge of this process provides key details as to why a result is reported a certain way, if a retest is necessary, or if an applicant or employee has a valid medication prescription. In this article, we will take a closer look at the role of the MRO, the

MRO assistant, and how the medical review process works.

The Medical Review Officer

Federal regulations state that in order to qualify to act as an MRO you must be a licensed physician, including both Doctors of Medicine (MD) or Osteopathy (DO). Additionally, qualified MROs must be knowledgeable about controlled substance abuse disorders, along with maintaining a solid understanding of issues relating to adulterated and substituted specimens and invalid results. Although all drug testing does not adhere to federal requirements, the criteria established at the federal level is widely accepted as the industry standard for all medical review services.

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