

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended, Be Printed Engrossed and Be Referred to the
Committee on Ways and Means

Vote: 5 - 0 - 0

Yeas: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski

Nays: 0

Exc.: 0

Prepared By: Anna Braun, Counsel

Meeting Dates: 4/14, 4/24

WHAT THE MEASURE DOES: Requires motor carrier to report to the Oregon Department of Transportation (ODOT) within 10 days if an employee refuses to take a drug test. Specifies hearings procedures for refusing a drug test. Requires administrative law judge to place positive test result or refusal to take drug test into employment driving record. Allows a motor carrier to report a positive drug test to the Oregon Department of Transportation. Removes ODOT exemption from civil liability for damages resulting from releasing information about drug test result. Clarifies motor carrier is prohibited from notifying the department of a person's refusal to take a pre-employment drug test.

ISSUES DISCUSSED:

- Reasons for refusing to take a drug test
- Pre-employment drug tests
- Publication of incorrect results

EFFECT OF COMMITTEE AMENDMENT: Replaces the original measure.

BACKGROUND: 49 C.F.R part 382 is the federal drug and alcohol testing law. ORS 825.410 requires every motor carrier to have a drug and alcohol testing program that meets the federal law. Currently, if a medical review officer of a motor carrier's testing program determines that a positive drug or alcohol test is valid the officer must report to the Oregon Department of Transportation. SB 126A adds the ability for the motor carrier itself to give notice to ODOT. SB 126A treats refusals to take a drug or alcohol test the same as if the employee tested positive. In addition, current law gives ODOT immunity from liability for damages as a result of publishing information about a drug test. SB 126A removes that immunity.