

103^D CONGRESS
1ST SESSION

S. 1303

To amend the Public Health Service Act to establish Federal standards to ensure quality assurance in private sector drug testing programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28 (legislative day, JUNE 30), 1993

Mr. HATCH (for himself and Mr. BOREN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Public Health Service Act to establish Federal standards to ensure quality assurance in private sector drug testing programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Quality Assurance in
5 the Private Sector Drug Testing Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) drug abuse imposes an enormous toll upon
9 society in terms of broken families and individuals

1 suffering, infants born with disabilities from their
2 mother's drug abuse, lost productivity, increased
3 treatment and health care costs, and the generation
4 of criminal conduct which threatens the very social
5 fabric of many communities;

6 (2) drug testing can be an effective deterrent to
7 drug abuse when administered in a manner that pro-
8 vides for quality assurance;

9 (3) drug abuse in the workplace is a serious na-
10 tional drug problem;

11 (4) the private sector workplace is an appro-
12 priate arena in which to fight the war on drugs
13 through the establishment of drug-free workplace
14 programs that include drug testing;

15 (5) there are currently many good quality pri-
16 vate sector drug testing programs, in which testing
17 is performed in a variety of settings, such as: in
18 testing facilities at the employment site, in clinics,
19 hospitals and small independent testing laboratories,
20 and in large, high-volume specialized testing labora-
21 tories. Under appropriately designed standards and
22 procedures taking into account the experience of
23 these programs, each of these options will have a
24 place in a well-designed regulatory system; and

1 (6) the “Mandatory Guidelines for Federal
2 Workplace Drug Testing Programs” issued by the
3 Department of Health and Human Services on April
4 11, 1988 are generally responsive to Congressional
5 concerns for quality testing in Federal Workplace
6 drug testing programs, and on a solid footing. These
7 Guidelines do not embody the only proper approach
8 to the challenge of providing test quality or employee
9 protection in the Federal workplace, and key fea-
10 tures of the Guidelines must undergo continuing
11 scrutiny and rethinking. While a number of the cur-
12 rent Guidelines’ provisions are not suitable for incor-
13 poration into a drug testing regulatory system for
14 the private sector workplace, many of the Guidelines’
15 principles and standards are appropriate for that
16 purpose.

17 (b) PURPOSE.—It is the purpose of this Act—

18 (1) to establish Federal standards applicable to
19 private sector workplace drug testing programs that
20 will assure the quality of such programs; and

21 (2) to ensure uniformity and consistency in the
22 application of such federal standards to preempt
23 State and local laws and such other requirements
24 that regulate private sector workplace drug testing
25 programs.

1 **SEC. 3. PUBLIC HEALTH SERVICE ACT.**

2 (a) DRUG TESTING.—The Public Health Service Act
3 is amended—

4 (1) by redesignating title XXVI (42 U.S.C.
5 300cc et seq.) as title XXVII; and

6 (2) by inserting after title XXV (42 U.S.C.
7 300bb-1 et seq.) the following new title:

8 **“TITLE XXVI—QUALITY ASSUR-**
9 **ANCE IN PRIVATE SECTOR**
10 **DRUG TESTING**

11 **“SEC. 2601. LABORATORY CERTIFICATION STANDARDS.**

12 “(a) PROHIBITION.—No person may perform a drug
13 test in connection with any drug testing program that is
14 subject to the provisions of this title unless such person
15 is a laboratory certified pursuant to subsection (b).

16 “(b) CERTIFICATION.—Not later than 1 year after
17 the date of enactment of this title, the Secretary of Health
18 & Human Services shall establish a program for certifying
19 laboratories that meet standards for performing—

20 “(1) drug screening tests;

21 “(2) drug confirmatory tests; and

22 “(3) both drug screening and confirmatory
23 tests.

24 “(c) SCIENTIFIC AND TECHNICAL CRITERIA.—

1 “(1) In establishing standards for certification
2 under subsection (b), the Secretary shall use sci-
3 entific and technical standards that:

4 “(A) maximize the sensitivity and specific-
5 ity of the testing scheme;

6 “(B) give due regard to the experience and
7 practices of drug testing in the private sector
8 workplace; and

9 “(C) take into consideration the practices,
10 procedures, and experience of forensic toxicology
11 laboratory certification programs con-
12 ducted by private, non-profit accrediting enti-
13 ties. The Secretary is authorized to designate
14 such entities or appropriate State agencies to
15 administer the certification program established
16 under this section. The Secretary shall oversee
17 and review the performance of any such entity
18 or State agency so designated to ensure its
19 compliance with the certification program es-
20 tablished under this section.

21 “(2) In establishing the certification program
22 required under subsection (b), the Secretary shall
23 appoint and consult with an expert advisory panel
24 not to exceed 15 members comprised equally of rep-
25 resentatives of private sector employers and employ-

1 ees with experience in workplace drug testing, lab-
2 oratories which conduct drug testing, and recognized
3 scientific and professional disciplines within the drug
4 testing community.

5 “(3) The certification standards required under
6 this section shall include:

7 “(A) reasonable requirements for chain of
8 custody procedures, for laboratory staff training
9 and skills, for ensuring the identity and integ-
10 rity of specimens, and for confidentiality of test
11 results;

12 “(B) laboratory quality assurance require-
13 ments, to include where appropriate minimum
14 proficiency sampling, in order to assure the
15 competence of the laboratory to conduct drug
16 testing under this title. Responsibility for lab-
17 oratory quality assurance, including where ap-
18 propriate the provision of blind samples, shall
19 rest on the Secretary or his designee;

20 “(C) a requirement that any sample which
21 tests positive on an initial screen test be sub-
22 mitted for a confirmatory test to a laboratory
23 certified for performing such a test under this
24 title;

1 “(D) a requirement that all negative test
2 results by initial screen be reported to the em-
3 ployer promptly by direct means;

4 “(E) a requirement that no positive drug
5 test result be reported to the employer before a
6 confirmatory test has been conducted, except in
7 the case of employees in sensitive positions pur-
8 suant to Sec. 2605(c) of this title,

9 “(F) prompt adoption of testing protocols
10 for any drug for which reliable testing methods
11 are available and for other drugs as such meth-
12 ods become available;

13 “(G) initial screen cutoff levels to reflect
14 current testing technology;

15 “(H) no bar to certification of a laboratory
16 based on its physical setup or location, and no
17 bar to certification of a laboratory which is part
18 of a hospital or medical clinic on the grounds
19 that the laboratory’s drug testing facility is not
20 separate from a secure laboratory facility which
21 performs diagnostic or therapeutic tests, nor on
22 the grounds that staff medical personnel are al-
23 lowed access to the testing facility, so long as
24 the laboratory meets the requirements of this
25 title; and

1 “(I) a requirement that, after the effective
2 date of regulations implementing section 353 of
3 the Public Health Service Act, 42 U.S.C. 263a,
4 a laboratory may not be certified under the pro-
5 gram established by this section unless the lab-
6 oratory is certified under section 353, except
7 that a laboratory which performs only drug
8 tests is not required to be certified under sec-
9 tion 353 to be certified under this certification
10 program, nor is it required to be certified under
11 section 353 for the purposes of that section.

12 “(4) A laboratory which performs drug tests
13 only on samples of arrestees, detainees, probationers,
14 incarcerated persons, or parolees in the criminal jus-
15 tice system is not required to be certified under this
16 section nor under section 353.

17 “(d) PERIODIC REVIEW.—At least once each year,
18 the Secretary shall review, and where appropriate revise,
19 the certification criteria established under subsection (b),
20 taking into consideration the relevant scientific technical
21 advances in the area of drug testing and revisions needed
22 to reflect employer zero-drug tolerance practices.

23 **“SEC. 2602. ANTI-DRUG ABUSE POLICY.**

24 “(a) WRITTEN POLICY.—As a condition of imple-
25 menting or maintaining a drug testing program, an em-

1 ployer shall establish a written anti-drug abuse policy that
2 shall contain, at a minimum, an explanation concerning
3 the—

4 “(1) circumstances under which a drug test will
5 be administered, the procedures for notifying an em-
6 ployee of a sample which tests positive in a confirm-
7 atory test, and a statement the policy will be admin-
8 istered in a consistent and nondiscriminatory man-
9 ner without regard to the position the employee
10 holds;

11 “(2) safeguards established for protecting the
12 privacy of individuals who are subject to testing, in-
13 cluding chain of custody procedures and the limita-
14 tions on disclosure of the results of drug tests;

15 “(3) availability of drug abuse treatment pro-
16 grams;

17 “(4) penalties that may be imposed by the em-
18 ployer for a violation of the anti-drug abuse policy
19 of the employer;

20 “(5) procedures for review by a medical officer
21 in the case of a sample which tests positive in a con-
22 firmatory test; and

23 “(6) procedures under which an applicant or
24 employee shall be given a reasonable opportunity to

1 explain a sample which tests positive in a confirm-
2 atory test.

3 “(b) NOTICE.—An employer shall make a reasonable
4 effort to provide notice of the written anti-drug abuse pol-
5 icy to applicants and employees subject to testing using
6 whatever methods the employer determines to be appro-
7 priate.

8 **“SEC. 2603. DRUG-FREE AWARENESS PROGRAM.**

9 “In order for an employer to be permitted to imple-
10 ment or maintain a drug testing program, such employer
11 shall establish, as part of such drug testing program, a
12 drug-free awareness program designed to inform its em-
13 ployees concerning—

14 “(1) the dangers of drug abuse, both inside and
15 outside of the workplace;

16 “(2) the policy of the employer of maintaining
17 a drug-free workplace;

18 “(3) information as to the existence and avail-
19 ability of counseling, employee assistance, rehabilita-
20 tion, and other drug abuse treatment programs of
21 which the employer is aware; and

22 “(4) the penalties that may be imposed by the
23 employer on applicants and employees who test posi-
24 tive for the use of a drug, and for the manufacture,

1 distribution, dispensation, possession, or use of a
2 drug in the workplace of the employer.

3 **“SEC. 2604. STANDARDS FOR DRUG TESTING.**

4 “(a) APPLICANTS.—Nothing in this title shall be con-
5 strued to prohibit an employer from requiring, as a condi-
6 tion of employment, that an applicant submit to and pass
7 a drug test based on criteria established by the employer
8 that are designed to achieve a drug-free workplace. Re-
9 fusals by an applicant to submit to such a test may be
10 treated in the same manner as a failure to pass a drug
11 test.

12 “(b) EMPLOYEES.—Nothing in this title shall be con-
13 strued to prohibit an employer from requiring an employee
14 to submit to and pass a drug test—

15 “(1) on a for cause basis or where the employer
16 has reasonable suspicion to believe that the employee
17 is using or is under the influence of a drug;

18 “(2) where such test is administered as part of
19 a scheduled medical examination;

20 “(3) in the case of an accident or incident in-
21 volving the actual or potential loss of human life,
22 bodily injury, or property damage;

23 “(4) during and for a reasonable period of time
24 (not to exceed 5 years) after the completion of a
25 drug abuse treatment program; or

1 “(5) on a random selection basis—

2 “(A) in the case of sensitive employee posi-
3 tions;

4 “(B) in work units, locations, or facilities
5 where drug abuse has been identified as a prob-
6 lem; or

7 “(C) as part of a universal testing pro-
8 gram.

9 “(c) DEFINITION.—As used in this title, the term
10 ‘random’ means the selection of individuals for testing
11 based on uniform criteria so that no employee is selected
12 differently from other employees in similar circumstances.
13 The term ‘universal testing’ means a program in which
14 every employee in a particular work unit, location, or facil-
15 ity of an employer is tested.

16 **“SEC. 2605. EMPLOYEE PROTECTIONS.**

17 “(a) PROHIBITIONS.—In the case of an applicant or
18 employee, it shall be a violation of this title—

19 “(1) for an employer to fail to make reasonable
20 efforts to inform the applicant or employee as to the
21 drug testing policy of the employee;

22 “(2) for an employer to take any adverse action
23 based on the unconfirmed positive results of a drug
24 test, except as provided in subsection (c);

1 “(3) for an employer, on the request of an ap-
2 plicant or employee, to fail to provide such applicant
3 or employee with a reasonable opportunity to be in-
4 formed of a sample which tests positive in a confirm-
5 atory test; and

6 “(4) for an employer, on the request of an ap-
7 plicant or employee, to fail to provide such applicant
8 or employee with a reasonable opportunity to explain
9 the results of a sample which tests positive in a con-
10 firmatory test.

11 “(b) ANTIRETALIATION PROHIBITION.—It shall be a
12 violation of this title for an employer to take retaliatory
13 action against an employee because of the exercise by the
14 employee of any right granted or protected under this title.

15 “(c) EXCEPTION FOR SENSITIVE EMPLOYEES.—
16 Pending the receipt of the results of a confirmatory drug
17 test, an employer may transfer or reassign an employee
18 in a sensitive position to another area or position without
19 any loss in compensation to such employee if the initial
20 drug test result is positive. If a confirmatory test of such
21 employee is negative, such employee shall be entitled to
22 immediate reinstatement to the position from which such
23 employee has been transferred or reassigned.

1 **“SEC. 2606. CONFIDENTIALITY.**

2 “(a) IN GENERAL.—An individual, other than the ap-
3 plicant or employee who is the subject of a drug test, shall
4 not disclose information obtained as a result of a drug
5 test, except as provided in this section.

6 “(b) PERMITTED DISCLOSURES.—An employer, or
7 individual conducting a drug test on behalf of an em-
8 ployer, may disclose information acquired from a drug test
9 only—

10 “(1) to the applicant or employee taking such
11 drug test or any other individual specifically des-
12 igned in writing by such applicant or employee
13 taking such drug test;

14 “(2) to the employer, including the duly author-
15 ized representatives of such employer, that requested
16 such test;

17 “(3) to any court, governmental agency, arbi-
18 trator, or mediator, in accordance with the provi-
19 sions of Federal or State law;

20 “(4) to appropriate drug abuse treatment pro-
21 viders; or

22 “(5) as required in defense of claims, suits, or
23 proceedings challenging any employment action
24 taken by an employer in reliance in whole or in part
25 upon a drug test.

1 **“SEC. 2607. EMPLOYER PRACTICES.**

2 “(a) SAFE WORKPLACE.—Nothing in this title shall
3 be construed to prohibit an employer from taking action
4 necessary to apply personnel procedures and policies de-
5 signed to ensure a safe workplace, without regard to
6 whether or not a drug test is administered.

7 “(b) DRUG-FREE WORKPLACE.—Nothing in this title
8 shall be construed to prohibit an employer from taking ac-
9 tion necessary, up to and including termination, in the
10 case of applicant or employee—

11 “(1) whose drug test is determined to be posi-
12 tive after a confirmatory test;

13 “(2) who refuses to take a drug test authorized
14 under this title; or

15 “(3) who tampers with or adulterates a drug
16 testing sample.

17 “(c) PARTICIPATION IN DRUG ABUSE TREATMENT
18 PROGRAM.—Nothing in this title shall be construed to
19 prohibit an employer from requiring an employee to par-
20 ticipate in, and satisfactorily complete, a drug abuse treat-
21 ment program as a condition of continued employment
22 where the employee has a sample which tests positive in
23 a confirmatory test, has refused to submit to a drug test,
24 or has tampered with or adulterated a drug test sample.

25 “(d) SENSITIVE POSITION.—Notwithstanding any
26 other provision of law, nothing in this title shall be con-

1 strued to prohibit an employer from refusing to place an
2 employee in, or to reinstate such employee, to a sensitive
3 position if such employee has a sample which tests positive
4 in a confirmatory test.

5 **“SEC. 2608. DRUG ABUSE TREATMENT PROGRAMS.**

6 “As part of the drug-free awareness program estab-
7 lished pursuant to section 2603, employers shall provide
8 information to employees concerning the existence and
9 availability of public and private drug counseling, em-
10 ployee assistance, rehabilitation, and other drug abuse
11 treatment programs of which the employer is aware.

12 **“SEC. 2609. REGULATIONS.**

13 “Not later than 1 year after the date of enactment
14 of this title, the Secretary of Health and Human Services
15 shall—

16 “(1) establish a program for the certification of
17 laboratories for the performance of toxicological uri-
18 nalysis conducted for drug testing programs as de-
19 scribed in this title; and

20 “(2) issue such other rules and regulations as
21 may be necessary or appropriate to carry out his or
22 her responsibilities under section 2601 of this title.

23 **“SEC. 2610. ENFORCEMENT AND RELIEF.**

24 “(a) LABORATORY CERTIFICATION STANDARDS.—
25 The certification program established pursuant to section

1 2601(b) shall be enforced in accordance with the proce-
2 dures and sanctions contained in subsections (g), (h), (i),
3 (j), (k), and (l) of section 353 of the Public Health Service
4 Act, 42 U.S.C. 263a.

5 “(b) EMPLOYEE CHARGES CHARGING UNLAWFUL
6 DISCHARGE OR DISCRIMINATION; INVESTIGATION;
7 ORDER.—

8 “(1) CHARGE.—An employee who believes that
9 he or she has been discharged or otherwise discrimi-
10 nated against by an employer in violation of this
11 title may, not later than 30 days after such alleged
12 violation occurs, file (or have any individual file on
13 behalf of such employee) a charge with the Secretary
14 of Labor (hereinafter referred to in this subsection
15 as the ‘Secretary’) alleging that such discharge or
16 discrimination violates the provisions of this title. On
17 receipt of such charge, the Secretary shall notify in
18 writing the employer named in the charge of such
19 filing.

20 “(2) INVESTIGATION.—On receipt of a charge
21 filed under paragraph (1), the Secretary shall con-
22 duct an investigation of the violation alleged in such
23 charge. Not later than 30 days after the receipt of
24 such charge, the Secretary shall complete such inves-
25 tigation and shall notify in writing the charging

1 party and the employer named in the charge (and
2 any individual acting on behalf of the employer) as
3 to the results of such investigation.

4 “(3) ORDER.—Not later than 60 days after the
5 completion of an investigation conducted pursuant to
6 this section, the Secretary shall, unless the proceed-
7 ing on the charge is terminated by the Secretary on
8 the basis of a settlement entered into by the Sec-
9 retary and the employer alleged to have committed
10 such violation, issue an order providing or denying
11 the relief prescribed in this section.

12 “(4) RELIEF.—If, in response to a complaint
13 filed under paragraph (1), the Secretary determines
14 that a violation of this title has occurred, the Sec-
15 retary shall order the employer who committed such
16 violation to provide such suitable relief as the Sec-
17 retary determines appropriate, including reinstate-
18 ment, promotion, and the payment of lost wages and
19 benefits.

20 “(5) REVIEW OF ORDER.—An employee or em-
21 ployer adversely affected or aggrieved by an order is-
22 sued under paragraph (3) may obtain review of such
23 order in the United States Court of Appeals for the
24 circuit in which the violation, with respect to which
25 the order was issued, allegedly occurred. The peti-

1 tion for review shall be filed not later than 60 days
2 after the issuance of the order of the Secretary
3 under paragraph (3). Review by the Court of Ap-
4 peals shall conform to chapter 7 of title 5, United
5 States Code.

6 “(6) FAILURE TO COMPLY.—If a party fails to
7 comply with a final order issued pursuant to para-
8 graph (3), the Secretary may file a civil action to en-
9 force such order in the United States court for the
10 district in which the violation was found to occur.
11 Such court, in issuing any final order under this
12 subsection, may award the costs of litigation (includ-
13 ing reasonable attorney and expert witness (fees) to
14 the prevailing party.

15 “(7) RULES AND REGULATIONS.—The Sec-
16 retary of Labor may issue such rules and regulations
17 as may be necessary to carry out his or her respon-
18 sibilities under section 2601(b).

19 “(c) EXCLUSIVITY OF REMEDIES.—The rights and
20 remedies provided for in this section shall be the exclusive
21 enforcement rights and remedies for any violation of this
22 title.

23 “(d) AFFIRMATIVE DEFENSE.—The good faith com-
24 pliance of an employer with the standards and procedures

1 established under this title shall constitute an affirmative
2 defense against any charge filed under subsection (b).

3 “(e) CONSTRUCTION.—Nothing in this title shall be
4 construed to require an employer to establish a drug test-
5 ing program for applicants or employees or make employ-
6 ment decisions based on such test results.

7 **“SEC. 2611. EFFECT ON OTHER LAWS.**

8 “(a) STATE LAW SUPERSEDURE.—This section shall
9 upon enactment of this title preempt any State or local
10 law, rule, regulation, order, standard, or cause of action
11 that applies to the private sector drug testing of an appli-
12 cant or employee, or that relates to any matter addressed
13 under this title. No State or local government shall adopt
14 or enforce any law, rule, regulation, ordinance, standard
15 or order relating to—

16 “(1) the certification of laboratories that per-
17 form drug testing analysis with respect to such anal-
18 ysis;

19 “(2) requirements for the conduct of drug test-
20 ing under this title;

21 “(3) the establishment, scope, or conducting of
22 employee or applicant drug testing programs;

23 “(4) the requirements applying to employer
24 drug testing policies or drug awareness programs; or

25 “(5) any other matter relating to this title.

1 “(b) OTHER FEDERAL LAWS.—Nothing in this title
2 shall be construed to prohibit any Federal agency from
3 issuing regulations with respect to drug and alcohol test-
4 ing of private sector employees, including requirements for
5 mandatory drug testing in specified circumstances, pro-
6 vided that compliance by an employer with the standards
7 established under section 2601(c)(3) of this title applica-
8 ble to scientific and technical procedures also shall con-
9 stitute compliance with such Federal agency regulations
10 to the extent that such regulations differ from the stand-
11 ards established under section 2601(c)(3).

12 **“SEC. 2612. EFFECTIVE DATE.**

13 “Unless otherwise specified, the provisions of this
14 title shall become effective one year after the date of en-
15 actment of this title, except that the prohibition contained
16 in section 2601(a) shall not take effect prior to 1 year
17 after establishment of the certification program required
18 under section 2601(b).

19 **“SEC. 2613. SEPARABILITY OF PROVISIONS.**

20 “If any provision of this title, or the application of
21 such provision to any individual or circumstances, shall
22 be held invalid, the remainder of this title, or the applica-
23 tion of such title to individuals or circumstances other
24 than those as to which it is held invalid, shall not be af-
25 fected thereby.

1 **“SEC. 2614. DEFINITIONS.**

2 “As used in this title:

3 “(a) **APPLICANT.**—The term ‘applicant’ means any
4 individual who has submitted an application to an em-
5 ployer, whether written or oral, for employment with such
6 employer.

7 “(b) **DRUG.**—The term ‘drug’ means any controlled
8 substance listed in schedules I through V of the Controlled
9 Substance Act, alcohol, steroids, and lawful prescription
10 medications which are the subject of abuse.

11 “(c) **DRUG ABUSE TREATMENT PROGRAM.**—The
12 term ‘drug abuse treatment program’ means a program,
13 such as an employee assistance program, designed to as-
14 sist an individual in dealing with problems caused by drug
15 abuse.

16 “(d) **DRUG TEST.**—The term ‘drug test’ means any
17 test procedure used to take and analyze blood, breath,
18 hair, urine or other body fluids or materials for the pur-
19 pose of detecting the presence or absence of a drug or
20 its metabolites, except that for purposes of this Act the
21 term drug test does not include breath alcohol analysis;

22 “(e) **CONFIRMATORY TEST.**—The term ‘confirmatory
23 test’ means a second analytical procedure to identify the
24 presence of a specific drug or metabolite which is inde-
25 pendent of the initial test and which uses a different tech-

1 nique and chemical principle from that of the initial test
2 in order to ensure reliability and accuracy.

3 “(f) EMPLOYEE.—The term ‘employee’ means an in-
4 dividual employed by an employer.

5 “(g) EMPLOYER.—The term ‘employer’ means an in-
6 dividual, partnership, corporation, association, or other
7 entity, that employs one or more employees, and that is
8 engaged in an industry affecting commerce.

9 “(h) SENSITIVE EMPLOYEE.—The term ‘sensitive
10 employee’ means an individual employed in a position
11 whose duties, as defined by the employer, involve respon-
12 sibilities affecting such matters as national security,
13 health, or safety, environment, or other responsibilities re-
14 quiring a high degree of trust and confidence.

15 “(i) MEDICAL REVIEW OFFICER.—The term ‘medical
16 review officer’ means a licensed physician, registered
17 nurse, or other individual who possesses the training and
18 skills necessary to assess the documentation and results
19 of a drug test and to identify illicit drug use.

20 **“SEC. 2615. PROFESSIONAL ATHLETES.**

21 “For purposes of this title, professional athletes may
22 be treated in the same manner as employees who meet
23 the definition of section 2614(g), except that professional
24 athletes shall not be covered by section 2606(a).”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Sections 2601 through 2614 of the Public
2 Health Service Act (42 U.S.C. 300cc through
3 300cc-15) are redesignated as sections 2701
4 through 2714, respectively.

5 (2)(A) Sections 465(f) and 497 of such Act (42
6 U.S.C. 286(f) and 289(f) are each amended by strik-
7 ing out “2601” and inserting “2701”.

8 (B) Section 305(i) of such Act (42 U.S.C.
9 242c(i)) is amended by striking out “2611” each
10 place it appears and inserting “2711”.

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