

FLORIDA

Legal status for workplace drug and alcohol testing

Florida has a voluntary drug testing law. For companies that wish to qualify for a 5% discount on their workers' compensation premiums they must comply with this law; other companies are not mandated to comply. Certain construction contractors must comply with this law. School bus drivers are required to be drug tested. THIS CHART REFLECTS THE REQUIREMENTS OF THE VOLUNTARY LAW.

FLORIDA WORKERS'
COMPENSATION CODE
SECTION 440.102

Area of focus	Status	Comments
Setting/circumstance	Defined	Certain types are required: applicant, reasonable suspicion, post-accident, and follow-up. Other types are permitted but not required: periodic exam, return-to-duty, and random.
Drugs tested (panel)	Defined	Amphetamine, marijuana, cocaine, PCP, methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or their metabolites.
Specimens permitted	Defined	“Specimen” means tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites. Florida lab regulations only permit urine testing. (See 59A-24.004 Drugs to be Tested/Body Specimens.)
POCT screening devices	Permitted with limitations	Per July 2009 amendment on-site testing is now permitted as part of the Workers' Comp Premium Discount law. Employers may not deny or terminate employment based on an initial screen result that has not been confirmed by a lab and verified by an MRO. The law clearly limits which professionals are permitted to collect a specimen and it requires a split specimen, all of which may impact the use of a POCT device.
Alcohol testing	Permitted	
EAP	Not Required	Must provide information about EAPs to employees. If employer pays for EAP or rehab, he or she may choose which program an employee participates in.
Certified laboratory	Required	Must be licensed by Florida's Agency for Health Care Administration or SAMHSA.
WC premium discount	Yes	5% upon approval by the state.
WC claim denial or reduction	Yes	Refer to § 440.101 and § 440.09.
Unemployment denial	Yes	Refer to Florida Statute Annotated § 443.101.

GEORGIA

Legal status for workplace drug and alcohol testing

Georgia has a voluntary drug testing law. For companies that wish to qualify for a 7.5% discount on their workers' compensation premiums they must comply with this law; other companies are not mandated to comply with this statute. THIS CHART REFLECTS THE REQUIREMENTS OF THE VOLUNTARY LAW.

GA CODE ANN. 34-9-410
TO -421 (1998 & SUPP. 2003);
GA CODE ANN. 33-9-40.2 (SUPP. 2005)

Area of focus	Status	Comments
Setting/circumstance	Defined	Certain types of testing are required: applicant (post-offer), reasonable suspicion, post-accident, periodic exam, and follow-up. Other types are permitted but not required: return-to-duty and random.
Drugs tested (panel)	Defined	Amphetamine, marijuana, cocaine, PCP, methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or their metabolites.
Specimens permitted	Defined	Tissue, blood, breath, urine, or other product of the human body capable of revealing the presence of drugs or their metabolites or of alcohol. Oral fluid specifically permitted as of 5-29-07 amendment to the law.
POCT screening devices	Permitted	For pre-employment screens only; positives must be confirmed at a lab (urine and oral fluid permitted).
Alcohol testing	Required	By blood, urine, breath of other bodily substance; 0.08 is considered positive.
EAP	Not Required	However, must provide information to employee of other available assistance programs.
Certified laboratory	Required	When using a lab, SAMHSA- and CAP-certified labs only.
WC premium discount	Yes	7.5% upon approval by the state.
WC claim denial or reduction	Yes	Refer to Georgia Code 34-9-17. If an individual refuses to submit to a drug or alcohol test “performed in the manner set forth in Code Section 34-9-415” then a “rebuttable presumption that the accident and injury or death were caused by the consumption of alcohol or the ingestion of marijuana or a controlled substance.”
Unemployment denial	Yes	Refer to Georgia Code 34-8-194. Requires compliance with voluntary law.