

§ 27. PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) DRUG-FREE WORKPLACE PROGRAM.—The term “drug-free workplace program” means a program that includes—

(A) a written policy, including a clear statement of expectations for workplace behavior, prohibitions against reporting to work or working under the influence of illegal drugs or alcohol, prohibitions against the use or possession of illegal drugs in the workplace, and the consequences of violating those expectations and prohibitions;

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(B) drug and alcohol abuse prevention training for a total of not less than 2 hours for each employee, and additional voluntary drug and alcohol abuse prevention

training for employees who are parents;

(C) employee illegal drug testing, with analysis conducted by a drug testing laboratory certified by the Substance Abuse and Mental Health Services Administration,

or approved by the College of American Pathologists for forensic drug testing, and a review of

each positive test result by a medical review officer;

(D) employee access to an employee assistance program, including confidential assessment, referral, and short-term problem resolution; and

(E) continuing alcohol and drug abuse prevention education.

(2) ELIGIBLE INTERMEDIARY.—The term “eligible intermediary” means an organization—

(A) that has not less than 2 years of experience in carrying out drugfree workplace programs;

(B) that has a drug-free workplace policy in effect;

(C) that is located in a State, the District of Columbia, or a territory of the United States; and

(D) the purpose of which is—

(i) to develop comprehensive drug-free workplace programs or to supply drug-free workplace services;

(ii) to provide other forms of assistance and services to small business concerns.

(3) EMPLOYEE.—The term “employee” includes any—

(A) applicant for employment;

(B) employee;

(C) supervisor;

(D) manager;

(E) officer of a small business concern who is active in management of the concern; and

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(F) owner of a small business concern who is active in management of the concern.

(4) MEDICAL REVIEW OFFICER.—The term “medical review officer”—

(A) means a licensed physician with knowledge of substance abuse disorders; and

(B) does not include any—

(i) employee of the small business concern; or

(ii) employee or agent of, or any person having a financial interest in, the laboratory for which the illegal drug test results are being reviewed.

(b) ESTABLISHMENT.—There is established a drug-free workplace demonstration program, under which the Administrator may make grants to, or enter into cooperative agreements or contracts with, eligible intermediaries for the purpose of providing financial and technical assistance to small business concerns seeking to establish a drug-free workplace program.

(c) PRIVACY PROTECTION FOR EMPLOYEES PARTICIPATING IN A DRUGFREE

WORKPLACE PROGRAM.—Each drug-free workplace program established with assistance made available under this section shall—

(1) include, as reasonably necessary and appropriate, practices and procedures to ensure the confidentiality of illegal drug test results and of any participation by an employee in a rehabilitation program;

(2) prohibit the mandatory disclosure of medical information by an employee prior to a confirmed positive illegal drug test; and

(3) require that a medical review officer reviewing illegal drug test results shall report only the final results, limited to those drugs for which the employee tests positive, in

writing and in a manner designed to ensure the confidentiality of the results.

(d) EVALUATION AND COORDINATION. Not later than 18 months after the date of enactment of the Drug-Free Workplace Act of 1998, the Administrator, in coordination with

the Secretary of Labor, the Secretary of Health and Human Services, and the Director of National Drug Control Policy, shall—

(1) evaluate the drug-free workplace programs established with assistance made available under this section; and

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(2) submit to Congress a report describing the results of the evaluation under paragraph (1).

(e) CONTRACT AUTHORITY.—In carrying out this section, the Administrator may—

(1) contract with public and private entities to provide assistance related to carrying out the program under this section; and

(2) compensate those entities for provision of that assistance.

(f) CONSTRUCTION.—Nothing in this section may be construed to require an employer who attends a program offered by an intermediary to contract for any service offered

by the intermediary.

(g) AUTHORIZATION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, \$5,000,000 for each of fiscal years 2001 through 2003. Amounts made available under

this subsection shall remain available until expended.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—Of the total amount made available under this subsection, not more than the greater of 10 percent or \$1,000,000 may

be used to carry out section 21(c)(3)(T).