

Drug and Alcohol Testing in Iowa (IA)

Iowa regulates the use of drug and alcohol testing by private employers as follows:

Permitted Testing

- The following types of drug and alcohol testing are permitted:
 - Unannounced testing of workers randomly selected from pools of employees, consisting of:
 - The entire employee population at a particular work site,
 - The entire full-time active employee population at a particular work site, or
 - All employees at a particular work site who are in a pool of employees in a safety-sensitive position.
 - Testing of employees during, and after completion of drug or alcohol rehabilitation.
 - Testing of employees for reasonable suspicion, which may include:
 - Direct observation of substance abuse or related impairment while at work,
 - Abnormal conduct or significant deterioration in performance while at work,
 - A credible report of alcohol or drug use,
 - Evidence of tampering with a drug test,
 - Evidence that an employee has caused an accident while at work causing sufficient injury or damage to require a report to OSHA, or
 - Evidence that an employee has made, sold, possessed or used drugs while at work.
 - Testing of prospective employees, post offer but prior to the start of their employment.
 - Testing of employees, as required by federal law or regulation or by law enforcement.
 - Testing of employees in the investigation of certain workplace accidents.
- A cause of action may not arise against an employer who has **established a policy and initiated a testing program** in accordance with the testing and policy safeguards provided under state law (§ 730.5), for any of the following:
 - Testing or taking action based on the results of a positive drug or alcohol test result, indicating the presence of drugs or alcohol, in good faith, on the refusal of an employee or prospective employee to submit to a drug or alcohol test.
 - Failure to test for drugs or alcohol, or failure to test for a specific drug or controlled substance.
 - Failure to test for, or if tested for, failure to detect, any specific drug or other controlled substance.
 - Termination or suspension of any substance abuse prevention or testing program or policy.
 - Any action taken related to a false negative drug or alcohol test result.
 - Testing or taking action against an individual with a confirmed positive test result due to the individual's use of medical cannabidiol as authorized under the state Medical Cannabidiol Act.

Requirements for Employers

- Prior to testing, the employer must establish a detailed written drug testing policy that is provided to every person subject to testing and made available for review by employees and prospective employees.
- Also prior to testing, the employer must establish an employee awareness program to include an Employee Assistance Program or a resource file where workers can access help for substance abuse programs.
- The employer must require supervisors involved with testing to attend a minimum of 2 hours of initial training and at least 1 hour of training every year thereafter.
- Positive test results must be confirmed using a different analytical method from the first drug or alcohol test.
- An employer may be required to pay for the rehabilitation of an employee who tests positive for alcohol if:
 - The alcohol concentration exceeds the level established by the employer,
 - The employer has at least 50 employees,
 - The employee has worked for the employer for at least 12 of the past 18 months,
 - The employee is a first-time violator of the employer's substance abuse policy, and
 - The employee agrees to receive rehabilitation.
- Generally, communications received by an employer related to employee or prospective employee drug or alcohol test results must be kept confidential.

Amended Private Sector Drug-Free Workplaces Law

Amendments to the Iowa private sector drug-free workplaces law, currently in effect, include (among other things):

- Modifying the definition of "confirmed positive test result" to include the results of a **hair test**.
 - Note: Employers may conduct hair testing of **prospective employees only**.
- Generally requiring that if the sample collected for testing purposes is **hair which would entail removal of an article of clothing**, procedures must be established to provide for **individual privacy** in the collection of the hair sample.
- Generally requiring that **collection of a sample** for testing of current employees must be performed so that the sample is **split into two components** at the time of collection in the presence of the individual from whom the sample is collected.
- Generally requiring that the above-mentioned second portion of the sample must be of **sufficient quantity** to permit a second, independent confirmatory test as provided by Iowa law.

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