Title 2. Administration
Division 1. Administrative Personnel
Chapter 3. Department of Human Resources
Subchapter 1. General Civil Service Rules
Article 29. Substance Abuse
§ 599.963. Testing Process and Standards

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TEXT

Substance testing under this article shall comply with the following standards and procedures:

(a) The drug testing process shall be one that is scientifically proven to be at least as accurate and valid as urinalysis using an immunoassay screening test, with all positive screening results being confirmed utilizing gas chromatography/mass spectrometry or liquid chromatography/mass spectrometry before a sample is considered positive. Such testing may include oral fluid testing, when appropriate. No test shall be intentionally conducted for the purpose of determining the presence of non-psychoactive metabolites of marijuana/cannabinoids (THC). Any test result identifying only non-psychoactive marijuana metabolites that is obtained in error shall be deemed invalid, shall not be reported to the appointing authority, and shall not be used for any employment, disciplinary, regulatory, or compliance action. The alcohol testing process shall be one that is scientifically proven to be at least as accurate and valid as (1) urinalysis using an enzymatic assay screening test, with all positive screening results being confirmed using gas chromatography before a sample is considered positive; or (2) breath sample testing using breath alcohol analyzing instruments which meet the ~~state~~ California Department of Public Health standards specified in the California Code of Regulations, title 17, sections 1221.1 and 1221.2 ~~and 1221.3~~.

(b) ~~Substances to be tested for~~ Random substance testing shall include the following:

(1) amphetamines and methamphetamines

(2) cocaine

~~(3) marijuana/cannabinoids (THC)~~

(4~~3~~) opiates (narcotics)

(~~5~~4) phencyclidine (PCP)

(~~6~~5) barbiturates

(~~7~~6) benzodiazepines

(~~8~~7) methaqualone

(~~9~~8) alcohol

~~In addition, with the approval of the department testing may be conducted for other controlled substances when the appointing power reasonably suspects the use of other substances.~~

(c) ~~After consulting with expert staff of the laboratory or laboratories selected to perform the testing under this article,~~ In consultation with the vendor selected to perform testing under this article, the Department shall set test cutoff levels that will identify positive test samples while minimizing false positive test results. Reasonable suspicion substance testing shall include testing of the following substances (1) through (9):

(1) amphetamines and methamphetamines

(2) cocaine

(3) opiates (narcotics)

(4) phencyclidine (PCP)

(5) barbiturates

(6) benzodiazepines

(7) methaqualone

(8) marijuana/cannabinoids (psychoactive metabolites of THC, only)

(9) alcohol

In addition, testing may be conducted for other controlled substances when the appointing power reasonably suspects the use of other substances.

(d) Notwithstanding subsection (~~c~~d), the Department shall use cutoff levels for substances listed in subsections (b)(1) through (5) and (c)(1) through (5) as established by the federal Substance Abuse and Mental Health Services Administration (SAMHSA) in Mandatory Guidelines for Federal Workplace Drug Testing Programs, Subpart ~~B~~C, Section ~~2.4~~3.4, ~~Part (e) and Part (f),~~ ~~59~~88 Fed. Reg. ~~29916~~70768 (dated ~~June 9, 1994~~ October 12, 2023), and 62 Fed. Reg. 51118 (dated September 30, 1997). For marijuana/cannabinoids, subsection (c)(8), the Department shall use the federal SAMHSA Mandatory Guidelines for Federal Workplace Drug Testing Programs-Oral/Fluid, Subpart C, Section 3.4, 84 FR 57554 (dated October 25, 2019). For alcohol, subsection (b)(~~9~~8) and (c)(9), the Department shall use the Federal Motor Carrier Safety Administration alcohol concentration cutoff level as described in title 49 Code of Federal

Regulations part 382 -- Controlled Substances and Alcohol Use and Testing, Subpart B (dated ~~July 25, 1995~~August 17, 2021).

(e) Test samples will be collected in a clinical setting such as a laboratory collection station, doctor's office, hospital or clinic or in another setting approved by the Department on the basis that it provides for at least an equally secure and professional collection process. ~~The Department shall specify procedures to ensure that true samples are obtained.~~

(f) ~~The Department shall use~~ Specimen chain of custody procedures shall be similar to those used by SAMHSA to ensure that a strict chain of custody is maintained for the sample from the time it is taken, through the testing process, to its final disposition. Chain of custody forms shall, at a minimum, include an entry documenting date and purpose each time a specimen or sample is handled or transferred ~~and identifying every individual in the chain of custody.~~, a record of the name, signature, time of receipt and time of release of each person handling, testing or storing each specimen or reporting test results.

(g) Drug tests shall be performed by a commercial laboratory that is certified by SAMHSA (pursuant to Mandatory Guidelines for Federal Workplace Drug Testing Program, 78 Fed. Reg. ~~2675 through 2676~~ 70768), or the latest version published by the federal government~~, or which meets the standards used by the College of American Pathologists (CAP) to accredit laboratories for forensic urine drug testing (Standards for Accreditation, Forensic Urine Drug Testing Laboratories, College of American Pathologists)~~.

(h) ~~For random substance testing under this article, the Department will use a scientifically valid method such as a random number table or a computer based random number generator that is matched with social security numbers, payroll identification numbers, or other comparable identifying numbers. A number not to exceed 35 percent of managers, supervisors, and exempt employees who are subject to random substance testing will be randomly selected for substance testing annually.~~ Exempt and excluded supervisory and managerial positions subject to random drug and alcohol testing shall be tested at the same rate as the associated rank and file classification.

(i) Positive results must be verified by a certified Medical Review Officer (pursuant to Mandatory Guidelines for Federal Workplace Drug Testing Program, 78 Fed. Reg. 2675).

Credits

Note: Authority cited: Sections 18502, 19815.4(d) and 19820, Government Code. Reference: Sections 19261 and 12954, Government Code.