

## SUMMARY OF KEY VERMONT DRUG TESTING LAWS

### **21 V.S.A. § 512. Drug testing of applicants; prohibitions; exceptions**

- Under subsection (b), an employer may require an applicant to submit to a drug test if:
  - The applicant has been given a conditional offer of employment conditioned on the applicant receiving a negative test result.
  - The applicant has received written notice of the drug testing procedure and a list of the drugs to be tested. The notice may not be waived and must state that therapeutic levels of medically prescribed drugs will not be reported.
  - The drug test must be administered in accordance with § 514.

### **21 V.S.A. § 513. Drug testing of employees; prohibitions; exceptions**

- Under subsection (c), an employer may require an employee to submit to a drug test if:
  - The employer “has probable cause to believe the employee is using or is under the influence of a drug on the job.”
  - The employer provides or makes available to the employee an employee assistance program, which is a bona fide rehabilitation program for alcohol or drug abuse.
  - The employee may not be terminated because of a positive test result if the employee participates in and successfully completes the employee assistance program. Please note, however, that an employee may be suspended for up to three months while he or she is completing the program, and the employee may be terminated if, after completing the employee assistance program, he or she tests positive for drugs pursuant to another drug test carried out under this section.
  - The drug testing is administered in accordance with 21 V.S.A. § 514.
- An employer may require random or company-wide tests **only** when such testing is required pursuant to federal laws or regulations.

### **21 V.S.A. § 514. Administration of Tests**

- Both § 512 and § 513 require that any drug testing be administered in accordance with § 514.
- Section 514 sets forth requirements related to:
  - the drugs to be tested;
  - the employers’ written drug testing policy;
  - the use of blood samples;
  - the use of designated laboratories for testing;
  - the establishment of a chain of custody for samples and test results;
  - urinalysis procedures;
  - laboratory reports;
  - negative test results;
  - the information to be supplied in a report of test results;
  - the preservation of samples;
  - medical review officers; and
  - the designation of an individual to collect specimens for testing.