

12 NCAC 09C .0310 AGENCY REPORTING OF DRUG SCREENING RESULTS

(a) Every law enforcement officer shall produce a negative result on a drug screen administered according to the following specifications:

- (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
- (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen. If the specimen is handled only by a medical professional or a third party provider and the laboratory utilizes federally mandated chain of custody procedures, then the agency does not need an inter-agency chain of custody procedure. If agency staff will be handling the urine specimen at any point, then agency staff must use an established chain of custody procedure. The chain of custody is an official document that establishes a process that tracks the movement of the urine specimen through its collection, safeguarding, and analysis lifecycle by documenting each person who handled the urine sample, the date/time it was collected or transferred, and the purpose of the transfer.
- (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites; and
- (4) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost at <https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>;
- (5) conduct the test within 90 days of employment;
- (6) pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine (82 FR 7920), the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples.

(b) The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screening obtained from applicants and lateral transfers. If the positive result were explained by the applicant or lateral transfer to the satisfaction of the Medical Review Officer, pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920), who holds a current license to practice medicine in the United States, as more likely than not caused by a source other than the unlawful use of substances listed in Subparagraph (b)(3) of this Rule, then the positive results are not required to be reported.

(c) The agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive result or refusal, unless the officer has explained the positive result to the satisfaction of the Medical Review Officer, pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920) who holds a current license to practice medicine in the United States as more likely than not caused by a source other than the unlawful use of substances listed in Subparagraph (a)(3) of the Rule then the positive results are not required to be reported.

(d) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the presence of a controlled substance at a level equal to or greater than the threshold value, current at the time of the test, as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the presence of a controlled substance at a level less than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(f) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of the drug screen panel with the results of the medical officer review.

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1990;
Amended Eff. October 1, 2018; May 1, 2009;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. November 1, 2024; October 1, 2022.*