Push for drug lab laws increasing

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To paraphrase a rule of nature, whenever something happens, something else happens in reaction. What’s been happening lately is drugs. And the reaction to drugs and drug use in the workplace has exploded into a nationwide obsession with drug testing employees and potential employees. Baton Rouge is no exception.

As more companies begin employee drug testing, more drug testing companies are opening up for business. But unlike other business sectors in Louisiana — such as real estate or flower arrangements — there are no laws regulating this growing profession.

The number of drug-detection firms increased at least four-fold in the past year, according to the Baton Rouge telephone book. In the 1988 Baton Rouge yellow pages, only one laboratory advertised under the heading of drug testing and equipment. A year later, four companies listed their availability to provide drug testing services.

In addition, other businesses have sprung up alongside drug detection firms. There are businesses engaged solely in collecting urine samples from employees or prospective employees in order to ensure the chain of custody of the urine samples. These drug collection firms obtain the sample from the employee, take it to be tested at a laboratory and then report back the test results to the employer.

A number of laboratories that perform drug screening analyses also are in operation in Baton Rouge.

Quality control is critical in carrying out drug testing — it is not uncommon for employees to file lawsuits against employers who fire them after they tested positive for drugs, according to Richard Miller, an organizer for the Oil Chemical and Atomic Workers international.

In a case of dispute over the results of a drug test, drug screening laboratories are called on to testify in court on the employer’s behalf.

“The concern we have is there needs to be a certification of procedure and licensing procedure” for drug testing, he said.

Three laws exist in Louisiana regulating who can get into the drug screening business. No statutes govern the testing procedure. No state licensing procedure for the laboratories is required and no board is in place to oversee the laboratories’ personnel.

At stake are jobs and careers. Some industry professionals say that state regulation of drug testing companies and labs is necessary and inevitable — especially since testing is becoming big business.

The General Accounting Office reported to a U.S. House of Representatives subcommittee in 1988 that of 35,000 companies surveying, 25 percent test their employees for drug use and 19 percent of those did not test at the time planned to implement testing.

The head of one local drug screening company said that not only do large companies in Baton Rouge perform employee drug testing but small mom-and-pop and family-owned businesses also are starting to require employees to undergo random drug checks.

Ed Buie of Delta Drug Testing of Baton Rouge, a 5-year-old company, said he expects that the Louisiana Legislature will take up the issue of regulation for drug testing companies early next year.

“Every legitimate drug testing company in the state would get behind it,” Buie said. “We pay a tremendous amount more for our labs than these fly-by-night companies. Some of these guys are doing their own testing and using their own machines.”

National cost estimates for a drug test range from $15 to $20 for initial screening and $75 to $100 for a more detailed confirmation test. The military estimates it costs $100 per person for drug testing, a figure which includes time lost from work while the test is administered.

“There’s a tremendous market out there,” Buie said.

Buie’s personal opinion is that there are only a handful of legitimate drug-testing companies in the state.

“These others are popping up all over. Without background and training they can get their clients in a hell of a mess.”

Buie said he feels certain that “the Legislature will get involved. They’re going to address this. They’re going to address drug screening and regulation.”

“You’re dealing with people’s lives and livelihoods. And if it’s not done correctly, the employer’s liable and I’m liable,” he said.

Assistant Attorney General Rene Salomon agreed that there “needs to be regulation” of the drug testing industry in Louisiana.

“There needs to be an agency created or someone given the duty of certifying these people, checking their qualifications,” Salomon said.

Investigations Unlimited in Baton Rouge recently opened a subsidiary, called AccuScreen Systems, an employee drug testing company.

Priorly, a full-time polygraph operator, Don Zeike, manager of AccuScreen Systems, said he supports regulation of the drug testing industry.

Zeike said he is worried that the drug testing business could become a new "industry that really needs some guidelines and at this point there are no guidelines.

“You’re going to find people who get into this business without any regard for certification or regulations,” he said. “I would certainly sponsor them and do my part to lobby for a reasonable regulatory act. I did that with polygraph.”

In the early 1980s, Zeike said he pushed for regulation in the polygraph profession, lobbying for polygraph certification and as a member of the first state polygraph board.

After the Legislature created...