



CONSENT TO DRUG TESTING FORM & GUIDE

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Sample Consent to Drug Testing

1. Overview

Drug use can have a serious disruptive effect on a working or academic environment. Testing for evidence of this use may be necessary to protect an organization from such disruptions and to protect the health and safety of all individuals in the surrounding areas. Individuals cannot, however, be forced to take drug tests against their will: an employer or other institution must get that person's written consent before it can start the testing process

The enclosed consent form allows a company or school to get the permission of applicants, employees, or students before it starts its drug screening process. Individuals can be sure that their privacy interests are protected and companies can be sure that they maintain a clean and safe work or academic environment. In every way, this helps to build a creative and productive atmosphere.

2. Dos & Don'ts Checklist

- Before you sit down to customize your form, think carefully about what you are trying to accomplish. The consent form you would need to conduct a one-time drug test is different than the form needed to perform regular, frequent, or random testing. You should revise the enclosed document to suit your individual or business needs.

- It is a good idea to have a clear, written drug testing policy in place before starting any investigation or review. This will limit claims that your testing is discriminatory or without clear intent. Your policy may include any number of requirements, including answers to the following questions:
 - Will the test be conducted by your staff or by an outside company?
 - What types of tests will be used (e.g., hair, sweat, urine, saliva, etc.)?
 - What types of drugs are you testing for (e.g., standard panel of drugs, steroids, other specific drugs)?
 - How are individuals selected to undergo this screening?
 - How will the test results be protected or kept confidential?
 - What are the consequences of a positive drug test? Of a refusal to take the test in the first place?
 - What recourse does an individual have if he or she thinks that a positive test was a mistake?

- If your company is subject to the Drug Free Workplace Act or the Omnibus Transportation Employee Testing Act of 1991, you must test employees in "safety-sensitive" positions for drug and alcohol use. Note that all government contractors and employers who receive federal grants of at least \$100,000 are covered by the Drug Free Workplace Act. Before you can begin testing, you must obtain employee drug consent forms from each individual who will be screened. If you have questions about whether or not you are covered by these federal laws, or about how tests under these statutes must be conducted, talk to a lawyer or other professional.

- There are also certain states that have their own workplace drug testing laws. Before using the enclosed document, check the requirements in your area. For example, in Florida, Georgia, Kansas, Nevada, and South Dakota, there are required drug tests, but only for government employees. If you are in a state that has drug-testing laws, review those laws to make sure your policies and actions are in line with their requirements.
- Be aware that a hospital or lab cannot report a positive drug test to an employer without the specific written consent of the person who was tested.
- Take note that an employer's drug-testing policy may violate the Americans with Disabilities Act if it prohibits the use of all legally prescribed drugs without showing that this prohibition is necessary and employment-related.
- Note that you must obtain parental consent before conducting a drug test on someone under the age of 18.

3. Consent to Drug Testing Instructions

The following instructions will help you understand the terms of the consent form. You should feel free to tailor the document to fit your specific needs.

This form should be signed by the person who will be taking the drug test and submitted to the person or company requesting it. Please review the entire document before starting your step-by-step process.

1. Enter the names of the Consenter and the Requester in place of the bracketed titles in every paragraph. Use the large space to describe the purpose of the drug test. This can be anything from "in connection with my application for employment," "to support a drug free and safe workplace," or "to comply with the school's drug testing policy." The rest of the paragraph discusses the Consenter's knowledge and understanding of the purpose and procedure involved in the test.

2. The Consenter's agreement that he or she will provide any samples needed for the drug test. This section also allows you to describe the consequences of refusing to participate in the test. For example, "I may be subject to immediate termination" or "I may be expelled from school." It's a good idea to use the word "may," so you will not be locked in to any one action.

This paragraph also says that if the test results are positive, they will be reported to the Requester, which may take any action permitted under its drug policy. There is a special exception made for the Consenter's medications, if they are prescribed and monitored by a doctor. If this is the case, the Consenter should list any drugs taken in the last 96 hours in the table provided.

3. *(Optional)* If applicable, the Consenter should include the name of any prescription medications taken, along with the amount, and the prescribing doctor's name.

4. The Consenter should check the appropriate box, indicating whether he or she does or does not consent to the drug test. By consenting, the Consenter authorizes the relevant medical professional to conduct the drug test and provide the results to the Requester. This paragraph also promises that the Consenter will not bring a lawsuit against the Requestor or any related person or group and that he or she allows the Requester to access the test results.
5. The Consenter's promise that he or she has read and understood the form, and is signing it because he or she wants to (i.e., not because another party is forcing that signature).
6. The Consenter should sign and date the document, and print his or her name and address in the space provided.

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CONSENT TO DRUG TESTING

I, **[Consenter]**, understand that **[Requester]** requires my authorization to conduct a drug test [in order to][in connection with]

_____. I have been informed of and understand the testing procedure. ❶

I agree to provide any specimens needed to conduct the drug test. I understand that if I refuse to undergo drug screening,

_____. I further understand that if I consent to the test and the results are positive, the results will be reported to **[Requester]** and I may be

_____ for violation of **[Requester's]** drug policy. This policy exempts the use of legally prescribed medications taken under the direction of a physician. ❷ (Optional) [I have taken the following drugs or substances within the last 96 hours:

❸

Drug Name	Dosage	Physician
_____	_____	_____
_____	_____	_____
_____	_____	_____