

CHAPTER 169. WORKERS' HEALTH AND SAFETY--DRUG-FREE WORKPLACE PROGRAM

§169.1. Notification of Drug Abuse Policy.

- (a) Each employer who has 15 or more employees and who maintains workers' compensation insurance coverage shall adopt a policy for elimination of drug abuse (hereinafter called drug abuse policy) by May 15, 1991. An employer who becomes subject to this subchapter after January 1, 1991, shall adopt a drug abuse policy within 45 days of the date on which the employer becomes subject. Employers who are in compliance with the federal Drug-Free Workplace Act of 1988 must amend their policies to include alcoholic beverages and must notify their employees of the change and provide their employees with a copy of the policy.
- (b) An employer shall provide a written copy of the drug abuse policy to each employee:
 - (1) on or before the first day of employment; or
 - (2) within 30 days after the date the policy is adopted by the employer.
- (c) An employer shall provide the commission with a copy of the drug abuse policy for the purpose of a compliance audit, no later than 30 days after the receipt of a written request.
- (d) After June 1, 1991, an employer who is subject to this section, and who does not have a drug abuse policy, may be subject to a Class D administrative violation, and may be assessed with an administrative penalty not to exceed \$500.

The provisions of this §169.1 adopted to be effective April 17, 1991, 16 TexReg 2006.

§169.2. Required Elements of Drug Abuse Policy. An employer adopting a policy for the elimination of drug abuse shall provide each employee with a written copy of the policy, which shall include:

- (1) a statement of the purpose and scope of the policy;
- (2) a statement that the policy includes alcoholic beverages, as well as inhalants and illegal drugs. The policy may include prescription drugs;
- (3) a statement of any consequences the employee may suffer if found violating the policy;
- (4) a description of available treatment programs, if any, and how they may be requested, such as assistance provided by the employee's health care insurance or drug and alcohol abuse rehabilitation programs sponsored by the employer;
- (5) the availability of, and the requirements for participation in, drug and alcohol abuse education and treatment programs, if any; and
- (6) a description of any drug testing program that the employer has in force.

The provisions of this §169.2 adopted to be effective April 17, 1991, 16 TexReg 2006.

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