

1.1 Senator ..... moves to amend the delete-everything amendment (SCS3852A-1)  
1.2 to S.F. No. 3852 as follows:

1.3 Page 59, delete section 8 and insert:

1.4 "Sec. 8. Minnesota Statutes 2023 Supplement, section 181.953, is amended by adding a  
1.5 subdivision to read:

1.6 Subd. 5a. **Oral fluid testing.** (a) An employer may elect to comply with the oral fluid  
1.7 testing procedures under this subdivision as an alternative to the drug and alcohol testing  
1.8 or cannabis testing procedures for employees and job applicants in this section.

1.9 (b) An employer may request or require an employee or a job applicant to undergo oral  
1.10 fluid testing. Within 48 hours of an oral fluid test that indicates a positive test result or the  
1.11 test is inconclusive or invalid, the employee or job applicant may request drug or alcohol  
1.12 testing or cannabis testing at no cost to the employee or job applicant using the services of  
1.13 a testing laboratory under subdivision 1. The rights, notice, and limitations in subdivisions  
1.14 7 to 8 and 10 to 11 apply to the employee or job applicant and a laboratory test conducted  
1.15 pursuant to this paragraph.

1.16 (c) If the laboratory test under paragraph (b) is positive, any subsequent confirmatory  
1.17 retest, if requested by the employee or job applicant, must be conducted following the retest  
1.18 procedures provided in subdivision 6, paragraph (c), and subdivision 9, at the employee's  
1.19 or job applicant's own expense."