

Saliva Instead of Urine for Drug Testing?

More employers will drug test their employees as an unintended consequence of the legalization of recreational marijuana. Recently, the federal government posted guidelines for federal employers who use “oral fluid [specimens](#).” Illinois employers should consider testing “oral fluid specimens” instead of urine.

What are Oral Fluid Specimens?

An oral fluid specimen is collected from an employee’s oral cavity (“mouth”) and it is a combination of physiological fluids (“saliva” or “spit”) produced primarily by the salivary glands.

What Advantages Derive from Testing an Employee’s Saliva?

Urine testing has been the “go to” testing standard for drug and alcohol use since 1988. Urine testing has a variety of problems while saliva testing has various advantages:

- Some employees have a hard time producing a urine sample because of a legitimate medical condition. A limited urine specimen can produce an invalid result, or the test may need to be rescheduled.
- Urine collection requires use of a specialized collection facility, secured restrooms, same gender oversight, and other special requirements. Saliva may be collected in various settings.
- Up to 3% of unobserved urine collection samples are substituted or adulterated. Since all saliva samples can easily be observed, this should reduce the risk that a sample is tainted.

- Collecting saliva requires less time than collecting urine. This results in less employee time away from the workplace. Saliva collection may occur at or near the workplace which means there should be no travel time for the employees. The federal government estimates that saliva collection costs \$38.00 to \$114.00 less per test than urine collection.
- Saliva collection may be more accurate than urine testing with respect to recent drug use. This is particularly important as employers try to differentiate between legal usage off-duty, and illegal usage on-duty.

Employers concerned about the impact of recreational marijuana on their workforce must promulgate a written policy. This policy should describe when and how drug testing will occur. Moreover, employers must publish their policy either through a company intranet, bulletin board or handbook. Presumably, some aspect of every employer's policy will contain a drug testing component. For 30 years, testing urine has been the standard. Testing saliva may now be the better option.

**Ross Molho Speaking on the Impact of Legal
Recreational Marijuana on November 6th**

CCM has 5 free lunch spots for a presentation on Recreational [Marijuana in the Workplace](#), Wednesday, November 6, 11-2 p.m. at Belvedere Banquets, 1170 West Devon, Elk Grove Village 60007. If you would like to attend this function, please email Angie Burza at burza@ccmlawyer.com or call her at 630-871-2602.

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