

SB327 INTRODUCED



1 SB327

2 4UC1KI3-1

3 By Senators Stewart, Coleman, Hatcher, Figures

4 RFD: Fiscal Responsibility and Economic Development

5 First Read: 25-Feb-26



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SYNOPSIS:

Under existing law, employers subject to the Alabama Workers' Compensation Law are required to meet certain standards relating to substance abuse testing of employees and job applicants, including notice requirements.

This bill would require any employer with a drug or alcohol testing policy, including those subject to the Alabama Workers' Compensation Law, to provide verbal and written notice to all employees of the policy and post the policy in a prominent employee access area.

This bill would require employers to similarly notify employees of any subsequent changes to the drug and alcohol policy at least 10 days before the change is effective.

This bill would also require employers to encourage employees who test positive for drugs or alcohol in violation of policy to seek rehabilitation.

A BILL
TO BE ENTITLED
AN ACT



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29
30 Relating to employee drug testing; to amend Sections
31 25-5-334 and 25-5-336, Code of Alabama 1975; to further
32 provide for notice requirements for employer drug or alcohol
33 testing policies; and to require employers to encourage
34 employees who test positive for drugs or alcohol to seek
35 rehabilitation.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. Sections 25-5-334 and 25-5-336, Code of
38 Alabama 1975, are amended to read as follows:

39 "§25-5-334

40 (a) (1) One time only, prior to testing, all employees
41 and job applicants for employment shall be given a notice of
42 testing.

43 (2) Upon hiring an employee, the employer shall
44 verbally inform the employee of the substance abuse testing
45 program including, at a minimum, the types of substance abuse
46 testing an employee may be required to submit to and the
47 actions the employer may take against an employee on the basis
48 of a positive test result.

49 (3) In addition, employers shall provide all employees
50 ~~shall be given with~~ a written policy statement ~~from the~~
51 ~~employer~~ which contains all of the following:

52 a. ~~(1)~~ A general statement of the employer's policy on
53 employee substance abuse which shall identify both of the
54 following:

55 1.a. The types of testing an employee or job applicant
56 may be required to submit to, including reasonable suspicion



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57 or other basis used to determine when the testing will be
58 required.

59 ~~2.b.~~ The actions the employer may take against an
60 employee or job applicant on the basis of a positive confirmed
61 test result.

62 ~~b.(2)~~ A statement advising an employee or job applicant
63 of the existence of this article.

64 ~~c.(3)~~ A general statement concerning confidentiality.

65 ~~d.(4)~~ The consequences of refusing to submit to a drug
66 test.

67 ~~e.(5)~~ A statement advising an employee of the Employee
68 Assistance Program, if the employer offers the program, or
69 advising the employee of the employer's resource file of
70 assistance programs and other persons, entities, or
71 organizations designed to assist employees with personal or
72 behavioral problems.

73 ~~f.(6)~~ A statement that an employee or job applicant who
74 receives a positive confirmed test result may contest or
75 explain the result to the employer within five working days
76 after written notification of the positive test result.

77 ~~g.(7)~~ A statement informing an employee of the
78 provisions of the federal Drug-Free Workplace Act, if
79 applicable to the employer.

80 (b) An employer not having a substance abuse testing
81 program in effect ~~on July 1, 1996,~~ shall ensure that at least
82 60 days elapse between a general one-time notice to all
83 employees ~~that~~ before a substance abuse testing program is
84 being implemented and the beginning of the actual testing. ~~An~~



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85 ~~employer having a substance abuse testing program in place~~
86 ~~prior to July 1, 1996, shall not be required to provide a~~
87 ~~60-day notice period.~~

88 (c) (1) An employer shall include notice of substance
89 abuse testing on vacancy announcements for those positions for
90 which testing is required. ~~A notice of the employer's~~

91 (2) Each employer shall post a copy of its substance
92 abuse testing policy ~~shall also be posted~~ in an appropriate
93 and conspicuous location on the employer's premises which is
94 in a prominent employee access area, and make copies of the
95 policy ~~shall be made~~ available for inspection by the employees
96 or job applicants of the employer during regular business
97 hours in the employer's personnel office or other suitable
98 locations.

99 (3) All testing conducted by an employer shall be in
100 conformity with the standards and procedures established in
101 this article and all applicable rules adopted by the
102 ~~state~~Alabama Department of ~~Labor~~Workforce pursuant to this
103 article.

104 (4) Notwithstanding the foregoing, an employer shall
105 not have a legal duty under this article to request an
106 employee or job applicant to undergo testing.

107 (d) In addition to the notice required by subsection
108 (a), if an employer revises its written policy, the employer
109 shall provide employees with at least 10 days' notice before
110 the effective date of the change using the following methods:

111 (1) Providing a paper copy of the policy to each
112 employee.



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113 (2) Electronically transmitting a copy of the policy
114 through an e-mail or by posting on the employer's website or
115 intranet site.

116 (3) Posting a copy of the revised policy in a prominent
117 employee access area, provided the revisions are emphasized in
118 the posting."

119 "§25-5-336

120 (a) If an employer has an employee assistance program,
121 the employer shall inform the employee of the benefits and
122 services of the employee assistance program. In addition, the
123 employer shall provide the employee with notice of the
124 policies and procedures regarding access to and utilization of
125 the program.

126 (b) (1) If an employer does not have an employee
127 assistance program, the employer shall comply with both of the
128 following ~~maintain:~~

129 a. Maintain a resource file of providers of other
130 employee assistance, including drug and alcohol abuse
131 programs, mental health providers, and other persons,
132 entities, or organizations available to assist ~~employees~~ the
133 employee with personal or behavioral problems and ~~shall~~ notify
134 the employee of the availability of the resource file. ~~In~~
135 ~~addition, the employer shall post~~

136 b. Post in a conspicuous place a listing of providers
137 or employee assistance in the area.

138 (2) Before any employer may terminate an employee who
139 has a confirmed positive test in violation of the employer's
140 policy, the employer shall encourage that employee to seek



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141 [rehabilitation.](#)"

142 Section 2. (a) This section shall not apply to
143 employers subject to the Drug-Free Workplace Program, as
144 provided in Article 13, Chapter 5 of Title 25, Code of Alabama
145 1975.

146 (b) (1) Any employer with a drug or alcohol testing
147 policy shall notify all employees of the policy using all of
148 the following methods:

149 a. Verbally informing the employee of the policy upon
150 his or her hiring.

151 b. Providing the employee with a paper copy of the
152 policy upon his or her hiring.

153 c. Posting a copy of the policy in a prominent employee
154 access area.

155 (2) For employees who were hired before October 1,
156 2026, each employer shall provide the notice required by
157 paragraphs (1)a. and (1)b. not later than November 1, 2026.

158 (3) The notice required by this subsection shall
159 include, at a minimum, the types of testing an employee may be
160 required to submit to and the actions the employer may take
161 against an employee on the basis of a positive test result.

162 (c) If any employer who implements a drug or alcohol
163 testing policy changes its policy, the employer shall provide
164 employees with at least 10 days' notice before the effective
165 date of the change using the following methods:

166 (1) Providing a paper copy of the policy to each
167 employee.

168 (2) Electronically transmitting a copy of the policy



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169 through an e-mail or by posting on the employer's website or
170 intranet site.

171 (3) Posting a copy of the revised policy in a prominent
172 employee access area, provided the revisions are emphasized in
173 the posting.

174 (d) Before any employer may terminate an employee who
175 has a confirmed positive test in violation of the employer's
176 policy, the employer shall encourage that employee to seek
177 rehabilitation. The employer may, but is not required to,
178 provide such an employee with a list of alcohol or other
179 substance abuse programs and contact information for other
180 community organizations available to assist employees with
181 personal or behavioral problems.

182 (e) This section may not be construed to:

183 (1) Require or otherwise create a legal duty on any
184 employer to conduct drug or alcohol testing on employees; or

185 (2) Encourage, discourage, restrict, limit, prohibit,
186 or require drug or alcohol testing of employees.

187 Section 3. This act shall become effective on October
188 1, 2026.