



# RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

March 5, 2024

Submitted electronically via: [Senate.Labor.And.Commerce@akleg.gov](mailto:Senate.Labor.And.Commerce@akleg.gov)

Chair Senator Jesse Bjorkman and Vice Chair Senator Click Bishop  
Senate Labor and Commerce Committee  
Alaska State Legislature  
Juneau, Alaska

Re: Support for SB 196, "An Act relating to drug and alcohol testing by employers."

Dear Chair Senator Bjorkman, Vice Chair Senator Bishop and Members of the Senate Labor and Commerce Committee:

The Resource Development Council for Alaska (RDC) writes in support SB 196, an act relating to oral fluid drug and alcohol testing by employers.

RDC is a statewide, non-profit trade association founded in 1975. Our membership is comprised of individuals and companies from Alaska's fishing, tourism, forestry, mining, and oil and gas industries and includes Alaska Native corporations, local communities, organized labor, and industry support firms. RDC's purpose is to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

In May of 2023, the federal Department of Transportation (DOT) published a rule that will allow employers to use oral fluid testing for drug and alcohol testing requirements once the U.S. Department of Health and Human Services has certified at least two laboratories, though employees not holding a Commercial Driver's License (CDL) can be tested using oral fluid currently. This rule provides employers with the choice to use oral fluid testing, which can often be less intrusive, be collected more efficiently, and with less privacy concerns than traditional urine testing. This regulation rightly provides more options to employers, without restricting or requiring employers to provide oral fluids testing options to employees. Unfortunately, Alaska Statutes 23.10.600 – 23.10.699, which provide the "safe harbor" law for employer drug and alcohol testing, has not been updated to reflect the federal regulatory change. This means that employers may not be eligible for the legal protection provided under Alaska's Safe Harbor law if they make use of the national regulation allowing for oral fluid testing.

Many of RDC's membership organizations currently utilize the federal DOT oral fluid testing regulation and have realized the benefits it provides. SB 196 would seek to add oral fluid testing to Alaska's current Safe Harbor law, which would bring Alaska law into compliance with federal regulations and eliminate the current discrepancy between the laws that allows for the potential unfair litigation against employers.



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(907) 276-0700

301 W. Northern Lights Blvd., Ste. 406, Anchorage, Alaska 99503

[www.akrdc.org](http://www.akrdc.org)



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This bill is a commonsense update to the state law and RDC urges your support for SB 196. Thank you for your consideration of these comments.

Sincerely,

Leila Kimbrell  
Executive Director



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