



















































State	POCT / Instant Testing Status	Comment	
Alabama	Prohibited	Permitted outside this voluntary law but not by companies that wish to qualify for the WC discount.	
Alaska	Permitted	FDA-cleared devices only; many conditions apply; positives must be confirmed with GC-MS; written record of result must be provided to individual	
Arizona	See Comment	Even though the law expressly requires drug testing to be done in a laboratory, it contains a clause stating that nothing in the statute “shall be construed to encourage, or require on-site drug testing or alcohol impairment testing.” (23-493.04 E) require on-site drug testing or alcohol impairment testing.” (23-493.04 E) discourage, restrict, limit, prohibit	
Arkansas	Prohibited		
California	Restricted	Dept. of Health does not actively seek to restrict on-site tests or POCT. Cal. Business & Professions Code §1206 requires all tests to take place at a certified laboratory.	
Colorado	No Requirements or Restrictions		
Connecticut	Permitted	Screen only; laboratory confirmation required	
Delaware	No Requirements or Restrictions		

Florida	Permitted with limitations	Per July 2009 amendment on-site testing is now permitted as part of the Workers' Comp Premium Discount law. Employers may not deny or terminate employment based on an initial screen result that has not been confirmed by a lab and verified by an MRO. The law clearly limits which professionals are permitted to collect a specimen and it requires a split specimen, all of which may impact the use of a POCT device.	
Georgia	Permitted	For pre-employment screens only; positives must be confirmed at a lab (urine and oral fluid permitted).	
Hawaii	Permitted	Must use FDA-cleared device or a device "manufactured by a facility that is minimally certified as meeting ISO 13485 standards"; lab confirmation required; MRO review required; operator must be trained by manufacturer; oral fluid devices permitted as of July 2007 for employee and applicant testing.	
Idaho	Permitted	Non-negative results must be confirmed at laboratory.	
Illinois	Permitted		
Indiana	Permitted		
Iowa	Permitted	Lab confirmation required for initial screen positives.	
Kansas	See Comment	Attorney General has concluded that employers using on-site testing kits are not subject to state laboratory regulations; however, the Dept. of Health disagrees and regard to on-site testing by employers. supposedly enforces the law with	
Kentucky	Prohibited	Lab testing only.	
Louisiana	Permitted	Requires FDA-cleared device; initial screen positives must be confirmed.	
Maine	Permitted	Generally considered prohibited; however the statute allows for non-instrumented POCT.	

Maryland	Permitted	Pre-employment only; must use FDA-approved device; lab confirmation and MRO required for positives; chain of custody procedures; all records from "preliminary testing" registration fee required every 2 years. must be retained for 1 year; \$50	
Massachusetts	Permitted		
Michigan	Permitted		
Minnesota	Prohibited	Must use laboratory	
Mississippi	Permitted	Confirmation testing and chain of custody protocols are required.	
Missouri	Permitted	Lab analysis required for programs that wish to challenge workers' or unemployment compensation claims	
Montana	See Comment	Positives must be confirmed at lab. Chain of custody and other testing procedures should be at least as stringent as those in 49 CFR Part 40 and the device used must be FDA-approved.	
Nebraska	Permitted	Non-negative results must be confirmed at laboratory.	
Nevada	Prohibited	NAC 652 regulates point-of-care testing, but makes it very difficult to comply.	
New Hampshire	Permitted		
New Jersey	Restricted	Testing location may need to be licensed through state as a laboratory. Only FDA-cleared devices are permitted	
New Mexico	Permitted		
New York	See Comment	On-site testing facilities are subject to regulation under the state's clinical laboratory licensing law per the Dept. of Health.	
North Carolina	See Comment	For prospective employees only; confirmation of positives required with GC-MS (See No. Carolina Admin. Code 20.0203).	

North Dakota	Permitted		
Ohio	See Comment	Follow SAMHSA guidelines; the old program was amended to permit on-site testing but the new program makes no mention of alternative testing methods or specimens, the SAMHSA guidelines but continually refers to	
Oklahoma	Permitted	FDA-approved devices only for drug testing; NHTSA conforming products list for alcohol testing; confirmation required for positives.	
Oregon	Permitted	May conduct reasonable suspicion alcohol tests or when the individual gives consent to be tested; device must be NHTSA-approved and conform to 49 CFR part 40; employer must pay for the test.	
Pennsylvania	Permitted		
Puerto Rico	Prohibited		
Rhode Island	Permitted	Confirmation of initial screen positives is required even for pre-employment screens.	
South Carolina	Permitted		
South Dakota	Permitted		
Tennessee	Prohibited		
Texas	Permitted		
Utah	Permitted	Non-negative results must be confirmed at laboratory.	
Vermont	Prohibited	Must use laboratory	
Virginia	Permitted		
Washington	Permitted		

West Virginia	Permitted		
Wisconsin	Permitted		
Wyoming	See Comment	Specifically allowed for random, reasonable suspicion, and pre-employment. Post-accident must follow DOT rules – thus no POCT.	