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**TESTIMONY ON 15-H 5351, RELATING TO DRUG TESTING  
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The ACLU opposes this legislation, which would subject to random drug testing any person “authorized to operate any vehicle owned or leased” by state or municipal agencies.

For almost thirty years, Rhode Island has greatly restricted the use of this degrading, intrusive and questionable procedure in the employment setting. The state has recognized that random drug testing in employment is unreliable, ineffective, an incredible invasion of privacy, and an extremely poor way to treat employees or determine their job performance. But employers are not left without recourse if they have concerns about a particular employee: testing is allowed if the employer has reasonable grounds to believe that the employee’s use of controlled substances is impairing his or her ability on the job, and that is how it should be.

We recognize that federal law provides for random drug testing of certain employees, particularly those with commercial driver’s licenses, but the state drug testing law already accounts for that. We strongly oppose expanding the circumstances under which random drug testing can be instituted.

Such a requirement is even more unfair and inappropriate when one considers that Rhode Island has decriminalized the possession of small amounts of marijuana. Ironically, the metabolites from marijuana stay in one’s system for weeks after it has been ingested, and thus is the illegal drug most likely to be found through drug tests. Harder drugs, like cocaine, on the other hand, generally are flushed out of one’s system within 48 hours and are less likely to be caught by a drug test. **Implementation of this bill’s requirement, then, is most likely to target and harm individuals who are, under Rhode Island law, using legal drugs.**

Finally, the penalties imposed by the bill would likely mean that any person testing positive would lose their job, since the bill takes away the person’s privilege to drive any government vehicle for a year.

These public servants deserve a right to privacy. We object to the idea that hard-working employees should be forced to pull down their pants and pee on command as a condition of their job. We urge rejection of this bill.