

WHY

ORAL FLUID



BY BILL CURRENT

Oral fluid
collections can
occur anytime,
anywhere.



OraSure provides a state-by-state guide to drug testing laws that outlines what is required in order to conduct oral fluid testing.

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Oral fluid drug testing in the workplace is on the rise. A 2021 survey of drug testing providers revealed a dramatic increase in the percentage who now say they offer oral fluid testing—from just 17% in 2019 to 45% in 2020 and 63% in 2021.¹ Even at that, it may be surprising to some that when asked what drug testing method providers believe will be most used in the future, 50% said urine and 45% said oral fluid.

Oral fluid is legal in nearly all circumstances

This change in acceptance of an alternative to traditional lab-based urine testing likely has a lot to do with recent developments within the federal government. On February 28, 2022 the U.S. Department of Transportation (DOT) issued a Notice of Proposed Rulemaking (NPRM) for lab-based oral fluid testing.² Though some drug testing experts probably doubted DOT would ever make such a move, the NRPM had been anticipated since the Substance Abuse and Mental Health Services Administration (SAMHSA) issued final Oral Fluid Mandatory Guidelines (OFMG) in October 2019 to give federal agencies the option of oral fluid testing in addition to lab-based urine testing.³

The new SAMHSA guidelines have a direct impact on many state drug testing laws. Prior to SAMHSA's announcement, lab-based oral fluid testing was already permitted in 47 states with Vermont, Maine and Hawaii being the only exceptions. Yet other states, especially those with voluntary drug testing laws such as Tennessee or industry-specific laws like Illinois simply punted on the issue of how to conduct drug testing and deferred to SAMHSA's guidelines or DOT regulations as found in 49 CFR Part 40.

DOT's NPRM will likely have the greatest impact on the availability of lab-based oral fluid testing. In a 2020 survey of providers, 60% said they "will offer lab-based oral fluid drug testing when DOT adopts oral fluid guidelines"; only 9.5% said they would not, while 19% were undecided.⁴

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Benefits of oral fluid testing

While the legality of oral fluid testing is certainly important, if it didn't solve problems employers experience with urine testing it would not be growing in popularity. When SAMHSA issued its OFMG, it listed several reasons why the agency decided to endorse an alternative testing method after more than 30 years of only allowing lab-based urine testing. The reasons correlate directly to problems some employers experience with urine testing and extend beyond the SAMHSA/DOT sphere.

For instance:

- **Enhanced flexibility**
Employers can choose between urine or oral fluid; whichever specimen is best suited to a particular situation.
- **Enhanced versatility**
Oral fluid collections can occur anytime, anywhere, and most of the precautions needed for urine collections are unnecessary with oral fluid.
- **Decreased invalid tests**
Oral fluid collections are 100% observed, which substantially reduces the risks of substitution or adulteration.
- **Saves time**
Oral fluid collections can occur at or near the place of work, reducing the time needed away from work to void a urine sample at an off-site location.
- **Versatility in detection**
Oral fluid testing is capable of detecting drugs within minutes after ingestion.

SAMHSA also commented on the science of oral fluid testing:

"The scientific basis for the use of oral fluid as an alternative specimen for drug testing has now been broadly established and the advances in the use of oral fluid in detecting drugs have made it possible for this alternative specimen to be used in Federal programs with the same level of confidence that has been applied to the use of urine."

When the DOT issued its NPRM, its list of oral fluid benefits checked many of the same boxes:

- Combating adulteration/substitution,
- Directly observed collections,
- Potential cost savings when collections take place at the workplace,
- Quick and easy specimen collections,
- Tighter window of detection, and
- Recent-use detection.

Lab-based oral fluid is now the only federal government-endorsed drug testing method capable of detecting recent drug use, including marijuana. Most testing methods only detect metabolites of drugs, which take several hours to become detectable in a urine sample and several days



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in a hair sample. But the actual drug, often referred to as the “parent drug,” is detectable in an oral fluid sample within about 10-15 minutes after usage. This is a critical advantage of oral fluid testing, especially in many states that have legalized marijuana and also require employers to show some evidence of impairment in addition to a positive drug test result before taking adverse employment action. While no drug testing method can prove, either scientifically or legally, that a person is impaired, the ability to detect recent drug use makes oral fluid testing a better match for post-accident and reasonable suspicion testing situations.

In a 2021 survey of employers, 43% said cited “recent-use detection” as a key reason for their interest in oral fluid testing; only 17% disagreed and 40% were undecided.⁵

Rapid testing vs. lab-based testing

Often cited as an advantage of oral fluid testing is the flexibility of being able to test a sample at a laboratory or via the use of a rapid-result device. Sometimes referred to as “point-of-care” or “instant” testing, rapid-result testing offers some unique advantages. For instance, in a tight hiring market, being able to complete a pre-employment drug test utilizing a rapid testing device in less than 30 minutes makes it possible to make same day hiring decisions without the risk of losing an ideal job candidate to a competitor.

Rapid-result testing also makes it possible for employers at job fairs to hire candidates on the spot rather than asking them to travel to an off-site collection facility and waiting 24 hours or longer to get a result back from a lab.

To ensure the highest possible level of legal defensibility when using rapid testing devices, employers should use devices that have been cleared by the Food & Drug Administration (FDA), always confirm non-negative results at a laboratory, and have a Medical Review Officer (MRO) verify lab-confirmed positive results.

Conclusion

Many companies may choose to maximize their return on investment from drug testing by using both lab-based and rapid-result oral fluid tests depending on the situation. And that type of flexibility and the ever-pressing need to be able to detect recent drug use, have put oral fluid testing on the verge of a significant break-through in market share.

1. “The 2022 Drug Testing Industry Survey.” *The Current Consulting Group*.
2. *Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Addition of Oral Fluid Specimen Testing for Drugs*. Federal Register. Feb. 28, 2022. <https://www.federalregister.gov/documents/2022/02/28/2022-02364/procedures-for-transportation-workplace-drug-and-alcohol-testing-programs-addition-of-oral-fluid>
3. *Mandatory Guidelines for Federal Workplace Drug Testing Programs—Oral/Fluid*. Federal Register. Oct. 25, 2019. https://www.samhsa.gov/sites/default/files/programs_campaigns/division_workplace_programs/final-mg-oral-fluid.pdf
4. “The 2020 Drug Testing Industry Survey.” *The Current Consulting Group*.
5. “The 2021 Employer Drug Testing Survey.” *The Current Consulting Group*.