

# WHY ORAL FLUID?



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Most state marijuana laws either specifically permit employers to restrict marijuana use by employees or do not mention employers or the workplace at all.

In today's environment, it can be easy for employers to question the continued utility of testing for drugs in the workplace given increasingly complex state laws. Specimens such as oral fluid offer a method that is scientifically sound and legally proven, while also balancing the needs of employers in today's complicated cannabis scape. This article will explore why oral fluid is an excellent option for employers across the country, fitting virtually every workplace testing need.

## What is oral fluid?

An oral fluid test is directly representative of what is in the donor's bloodstream. This means that drugs are detectable in oral fluid within minutes of ingestion, and the test looks for the parent drug as opposed to the metabolite. Urine, for example, detects the metabolite and not the parent drug, and only detects the metabolite several hours post-use.

As oral fluid tests look only at substances currently in the individual's body (also known as the parent drug), they are particularly useful when looking to determine recent use. Historically, oral fluid has been a favorite for post-accident scenarios as it makes it easy to determine what drugs were actually in an individual's system at the time of an accident. With the increasing popularity of cannabis, oral fluid has quickly become a favorite for employers looking to continue testing despite state laws placing restrictions on employers in regard to THC metabolite detection.

A recent survey conducted by the Current Consulting Group found that 15% of employers used instant oral fluid tests and 23% used lab-based oral fluid tests in 2023, up from 4% and 4% in 2021, respectively. This rise is due to a number of factors, including COVID-safety related-protocols that have continued post-pandemic, as well as the addition of lab-based oral fluid to the Substance and Mental Health Services Administration's (SAMHSA's) mandatory guidelines for federal employees and the Department of Transportation's (DOT's) addition of lab-based oral fluid to their rules. While both SAMHSA and DOT have approved and announced the addition of oral fluid to their testing regulations, oral fluid is not yet permitted for SAMHSA and DOT positions as there are yet to be the minimum required two approved labs for oral fluid specimen processing and analysis.

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# URINE VS. ORAL FLUID

	URINE	ORAL FLUID
<b>100% OBSERVED COLLECTIONS</b>	✗ Collections can be observed but are normally not due to privacy concerns unless the situation calls for the extra precaution.	✓ All oral fluid collections are 100% observed, making adulteration nearly impossible and eliminating privacy concerns.
<b>SHY BLADDER?</b>	✗ Some individuals have legitimate medical concerns, such as paruresis, making it difficult for them to provide a urine specimen when needed.	✗ Although there may be the occasional dry mouth concern with oral fluid, this can quickly be resolved by ingesting a pre-determined amount of water.
<b>ON-SITE COLLECTIONS?</b>	✗ Collections can be performed on-site but are more often than not done at a collection site due to issues securing a collection at the worksite.	✓ Oral fluid collections can easily be performed on-site with no concerns about securing bathrooms, etc.
<b>RECENT-USE DETECTION</b>	✗ Most drugs take hours to days to show up in urine and are detectable for up to 30-days post-use.	✓ Oral fluid detects substances nearly immediately and only detects substances for 2-3 days post-use.
<b>PARENT DRUG DETECTION</b>	✗ Urine tests detect drugs after they have been metabolized by an individual's system, or metabolites.	✓ Oral fluid detects the parent drug rather than a metabolite, making it ideal for states such as CA and WA that restrict cannabis testing to only specimens that detect parent drug.
<b>ENDORSED BY DOT AND SAMHSA</b>	✓ Lab-based oral fluid	✓ Oral fluid is endorsed by DOT and SAMHSA, but is not yet currently available until such a time as two laboratories are approved by SAMHSA to test oral fluid specimens.
<b>WELL-KNOWN AND WIDELY AVAILABLE</b>	✓ Urine has long been the proverbial "gold standard" in the world of workplace drug testing.	✓ Once considered the new kid on the block, oral fluid is now a tried-and-true specimen, as demonstrated by its recent acceptance by DOT and SAMHSA.
<b>LEGAL IN ALL 50 STATES</b>	✓ Although some states place restrictions on instant urine testing, urine testing is legal in some form or another in every state.	✗ Although oral fluid testing is permissible in the vast majority of states, there remain a few outliers that do not permit oral fluid testing.

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