

State and Local

People in medicine, business discuss drug tests Drug-testing industry still improving, pharmacologist tells group at A&M

By Amy Couvillon
Staff Writer

Although the drug-testing industry is still developing, new techniques and regulations are making it more organized and standardized, a pharmacologist said Monday.

Dr. H. R. Adams, chief of general chemistry and toxicology at Scott & White clinic in Temple, said the National Institute of Drug Abuse has put out new guidelines for laboratories, which may begin to standardize testing techniques and make results more reliable.

Adams, Class of '62, discussed the technical aspects and limitations of

drug testing in a Texas A&M MSC Great Issues program.

Laboratories like Scott & White do drug screening and testing for organizations like athletic teams, business

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firms and governments, he said.

Although modern drug tests are much more sensitive and efficient than those of the early 20th century, Adams said, the idea of detecting illegal substances is ageless.

"Ever since Adam took a bite out of the forbidden apple, people have

indulged in forbidden fruit," Adams said. "And that's what toxicology is all about — to see who has been indulging in the forbidden fruit."

But determining whether someone has taken an illegal drug is not just a matter of one test. A urine sample sent to a testing laboratory goes through a number of steps.

Because the highly specific tests are expensive and complicated, Adams said, less specific screening techniques are used first.

Drug screening does not isolate specific compounds in a urine sample, but can only detect classes of drugs, such as amphetamines, barbiturates, minor tranquilizers, tetrahy-

drocannabinol (THC) and opiates.

Adams listed the most often used drug-screening techniques: Enzyme-Mediated Immunogenous Technique (EMIT), which makes use of the body's natural enzymes to detect classes of foreign substances; Abuscreen, which uses a radioactive label; and Toxi-lab, a kit-type test that uses thin-layer chromatography.

One problem, Adams said, is that some of the screening methods will result in a "positive" for a person using a legal drug, such as a cold remedy. So before the positive results are released to the organization that requested them, they must be confirmed with a more specific (and often more expensive) test.

Gas Chromatography Mass Spectrometry (GMS) is a highly specific confirmation method that will stand up in court, he said.

"If used correctly, it's almost 100 percent reliable in getting a true positive," he said.

Adams said his laboratory gets a lot of calls about marijuana. THC, a chemical in marijuana, is one of the most common substances detected.

"People call me all the time," Adams said, "and they say, 'Doctor, I was at a party last night, and I didn't partake, but everyone else did. Will it show up positive?'"

This is unlikely, said Adams, who was skeptical about the effects of passive inhalation.

"If you put six or eight people in a closet," he said, "and they're all smoking like crazy except for one, then maybe you can get a positive on someone who wasn't smoking."

But even if that person did test positive, Adams said, the level of THC found in the urine would be much lower than usual. And laboratories can raise the limit on the amount of THC that constitutes a positive result so that inhalation won't be a factor.

Lawyer: Businesses shouldn't test workers for drugs until courts rule

By Robert Morris
Staff Writer

Until the courts begin handing down concrete decisions, businesses should not implement drug testing for employees, attorney Dawn Findlayson said Monday afternoon in Rudder Tower.

Findlayson, a former assistant attorney general in Texas, lectured on the legal aspects of private-industry drug testing as part of an MSC Great Issues series.

She said the next move in the drug-testing battle is up to the courts, rather than the legislature or federal government. In the meantime, there are several legal problems with the testing procedure itself, she said.

"There could be claims of false imprisonment because an employee is forced into a room to take the test," she said. "Intentional infliction

of emotional distress is another big issue."

She said malicious prosecution is also a problem.

"At this point we advise our employers to not turn in employees to the district attorney's office," she said. "We advise employers to not take a step past discharge because it is very dangerous."

Defamation is one of the most clear-cut problems in drug testing, she said.

"Even though an employer may have a positive drug test (on an employee), he's got to go to court to prove it in a defamation suit," Findlayson said.

Invasion of privacy is the big battleground of the future, she said.

And the problems with the legality of drug testing reach even further in Texas.

The Texas constitution contains a Bill of Rights that mirrors the U.S.

Constitution, she said, but the courts have not limited its application to the government.

"So the private employers must accord the due process protection of the Texas constitution in the state of Texas," she said.

Last week, the Supreme Court agreed to hear a case involving a drug-related firing. That, along with a current case in Austin involving the Texas Bill of Rights situation, will have a great effect on the manner in which drug testing is administered.

"The tort cases, as they come down, are going to give us an idea of just what is happening in the drug-testing area," Findlayson said.

"My advice to (employers) right now is to hold off if possible. You don't be the test case; you don't be the one that gets sued by the ACLU (American Civil Liberties Union)."

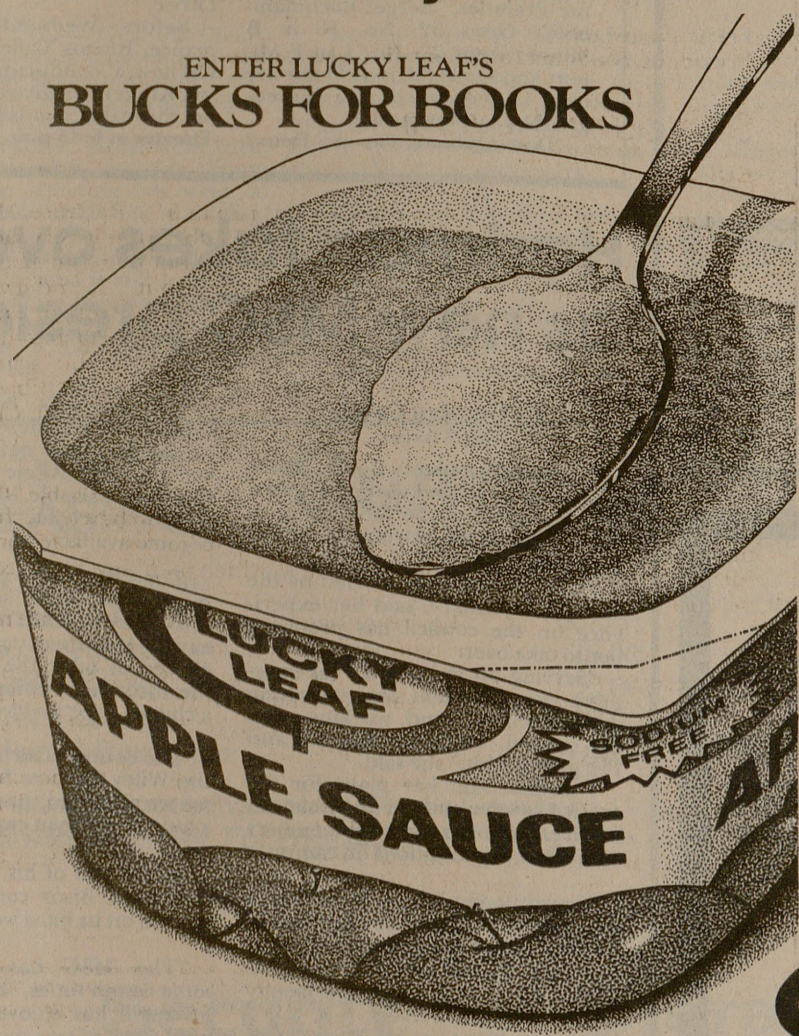
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