



5 EASY STEPS TO
IMPLEMENT THE
**HOUND[®] CANNABIS
BREATHALYZER**



HOUND LABS[®]

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INTRODUCTION

From the product name alone – the HOUND® CANNABIS BREATHALYZER – employers and partners have an immediate sense of what this solution does. It's a cannabis breath test that targets the THC molecule, not metabolites, to align with laws that prohibit employers from taking adverse employment actions against employees based on drug tests that detect non-psychoactive THC metabolites. But because cannabis laws continue to evolve, these same employers and partners often have one question in mind – “How do I implement it?”

“We have an antiquated drug testing program, and now we're stuck in a position where the laws are changing faster than our technology. We're looking for a way to continue testing and have a safe work environment,” says one employer in the manufacturing industry.

Employers and partners need guidance on how to update drug testing policies to mesh with this new technology. Here are five steps to help any business get ready to implement the HOUND® CANNABIS BREATHALYZER.

In a recent Hound Labs survey of 500+ individuals who said they use cannabis at or before work

53%
use cannabis daily

86%
consume by smoking
and/or vaping

48%
use on the job
(during a break or while working)



STEP 1: CONSIDER WHEN TO TEST

Employers are in a tough spot when it comes to drug testing candidates and employees for cannabis. Legacy tests like oral fluid, urine, and hair can detect cannabis for days, weeks, or even months after use. If an employee fails a test due to past use, employers are at risk for lawsuits and production downtime, not to mention the cost of replacing the position.

With more and more candidates and employees failing to pass traditional cannabis tests,¹ companies can't fill the recruiting funnel with enough qualified applicants. The answer for companies in the era of cannabis legalization is a test that can identify recent cannabis use. By isolating detection to recent use that occurs immediately before or during the workday, employers can create cannabis testing policies that balance workplace safety with employee fairness and privacy.

Aligning test results to use that surrounds the workday can help employers in various drug testing scenarios, including:

- **Pre-Employment** - Performed after a conditional offer of employment is extended
- **Onboarding** - All new employees are tested within a predefined period after their date of initial employment
- **Pre-Access** - Testing employees for recent cannabis use upon workplace arrival
- **Random** - Unscheduled testing of employees
- **Post-Incident** - Testing an employee or team involved in a workplace incident
- **Reasonable Suspicion** - Testing an employee when there is evidence or reasonable cause to suspect drug use
- **Return-to-Duty** - Testing employees who are returning to work after an extended leave or after a previous positive test

Employers are starting to take a holistic view toward implementing recent use breath testing. Certainly, employers want to detect recent use in a post-incident or reasonable suspicion situation. They also want to include it in an onboarding program, performing a test within 60 days of an employee starting at the company.

Determining how and when to leverage workday breath testing is a matter of each company's vision for fostering safe and fair work environments.

Employers and partners might consider examining the goals of their drug testing program in its entirety when making these decisions – there is no one size fits all.



¹ Quest Diagnostics DTI



STEP 2: UPDATE ALL DRUG TESTING POLICIES

Most Americans now support cannabis legalization,² making zero-tolerance policies and programs less feasible for employers. Shifting laws and increasing cannabis use among employees are impacting how employers will implement workplace drug testing in the future. Companies are reconsidering when and how they will test and how to broaden the scope of company actions in response to positive test results.

When considering how to implement the HOUND® CANNABIS BREATHALYZER, it's critical to update language related to identifying recent cannabis use and how a non-negative test result will be addressed.

Some considerations to discuss with legal counsel include:

- Isolating recent cannabis use rather than language that references impairment – as there is no true impairment standard.
- Adding policy language defining recent use as testing at or above the designated cut-off level for THC in breath.
- Forming policies around deterrence (or restriction) of workday use, leveraging the limited detection window of a breath test to isolate recent use.
- Specifying that the HOUND® CANNABIS BREATHALYZER measures active THC, not its metabolites.

² 2023 Gallup Poll

Need Additional Policy Help?

Contact us for an introduction to the employment law firm Ogletree Deakins.

STEP 3: EDUCATE YOUR EMPLOYEES

Employers with the most effective drug testing programs have invested time to ensure employees are fully aware of policies that will impact them. It's critical to balance your needs as an employer while still considering what matters most to your employees – their safety, choices, and privacy.

Employers find success when they emphasize the desire to balance workplace safety, employee fairness, and privacy in their testing programs. They can do this by leveraging the short window of cannabis detection in breath versus the longer windows found in other sample types. This contrast can help employers convey they are not attempting to over-regulate what employees choose to do in their free time.



19%

of employees feel their company is doing a good job informing them about their cannabis policy.

Source: National Safety Council

STEP 4: CONNECT WITH A MEDICAL REVIEW OFFICER

A Medical Review Officer (MRO) is a licensed physician who is trained to review, certify, and validate drug testing results. An MRO can play a critical role in helping employers navigate workplace drug testing policies and protect employees' personal health information. MROs may help employers create flexible drug testing programs that address most of their workforce but can still accommodate situations specific to an individual employee.

Medical Review Officers are a valuable resource to help employers create effective drug testing programs that balance workplace safety and employee privacy in an increasingly complex environment. Employers may discover that involving an MRO and working with legal counsel will result in the most effective drug testing programs for both employers and employees.

Need an MRO?

Contact Hound Labs for an introduction to a Medical Review Officer.



STEP 5: Ask Questions

Employers may want to specify how testing will be applied, whether to all employees or to certain positions based on roles and responsibilities. Our team is standing by to help. Our collective breadth of experience spans Fortune 500 clients, board presidencies on industry organizations, and decades of work within the employment screening industry.

We can help you to learn more about how recent use cannabis testing works and help determine the best way to implement a cannabis breathalyzer within your organization.

As of 2022, more than

70%

of U.S. adults have legal access to cannabis, including millions who are actively employed.

Source: 2021 Census

CONCLUSION

The HOUND® CANNABIS BREATHALYZER is an ultra-sensitive, automated, and analytical breath test capable of isolating recent cannabis use to a few hours. This test returns an objective result which can help employers enforce policies that prohibit use surrounding the workday but do not penalize cannabis use outside of work as outlined in the employer's policy. As the legal landscape shifts and companies update their workplace drug testing policies, cannabis breath testing will be an important tool to support safety-led organizations in moving away from zero-tolerance policies toward those that prioritize fairness and promote safety for both employers and employees.

The HOUND® CANNABIS BREATHALYZER is available for purchase now. Employers of all sizes, industries, and geographies are actively performing cannabis breath testing to mitigate risk, promote employee fairness, and reduce the costs associated with high-risk workday cannabis use.

Ready to Learn More?

Contact us today:

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ABOUT HOUND LABS

Hound Labs, Inc. develops advanced breath testing technologies to address leading public health and safety issues. The Company's flagship product is the HOUND® CANNABIS BREATHALYZER, an ultra-sensitive, analytical test that identifies active THC molecules in breath. Breath testing introduces the drug testing industry's shortest cannabis detection window, giving employers a practical and objective solution to detect and deter recent use. By limiting cannabis detection to use occurring immediately before or during the workday, test results empower employers to maintain safe workplaces, improve hiring and retention efforts, and maintain fairness in the workforce. Learn more at HoundLabs.com.

The HOUND® CANNABIS BREATHALYZER is intended to detect recent cannabis use. It does not measure whether, or how much, a person is impaired. It is intended solely for use in employment, law enforcement, and insurance settings. It should not be used for any medical or therapeutic purposes, or for any Federal drug testing programs, such as programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military. © Hound Labs, Inc. April 2024. All Rights Reserved.