

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DRUG TREATMENT COURT PROGRAM**

**Drug Testing Participant Contract**

- 1) Drug and alcohol testing will be performed frequently and on a random basis throughout your enrollment in the Drug Treatment Court Program. I will be required to call the U.S. Probation Office daily to determine if you are to report to a specific location for testing. Additional testing will be conducted by the U.S. Probation Office and your substance abuse treatment provider as appropriate.
- 2) I understand that it is my responsibility to report to the assigned location at the time given for the test.
- 3) Drug and alcohol testing may be performed on weekends and holidays.
- 4) Additional drug and alcohol testing will be performed by a laboratory or program approved by the Drug Treatment Court.
- 5) Because cannabinoids (a byproduct of marijuana) may persist in the body for several days, marijuana users have a four-week grace period following enrollment during which no sanctions will be given for positive cannabinoid test results. However, after four weeks, positive cannabinoid tests will be presumed to reflect new marijuana use. Participants bear the burden of establishing a convincing alternative explanation for such results. After you have had two consecutive cannabinoid-negative urine specimens, the Drug Treatment Court will presume that subsequent positive cannabinoid results reflect new use.
- 6) Failure to provide a test specimen or providing an insufficient volume of urine for analysis is an infraction of the rules of the program and will be sanctioned accordingly. You will be given a sufficient time (up to one hour) to deliver a urine specimen.
- 7) I have been informed that the ingestion of excessive amounts of fluids can result in a diluted urine sample, and I understand that my urine sample will be tested to ensure the sample is not diluted.
- 8) I have the right to challenge the results of a screening test and to request proof that an adequate chain of custody was established for your specimen. The Drug

Treatment Court Program will rely on the results of an instrumented or laboratory-based test in confirming whether substance use has occurred.

- 9) You will be sanctioned for providing diluted, adulterated, or substituted test specimens. Urine specimens below 90° F, above 100° F, or that have a creatinine level below 20 mg/dL will be presumed to be diluted or fraudulent.
  - a. Normal human creatinine levels will vary during the day based upon fluid intake—healthy individuals will rarely produce urine samples with creatinines of less than 20 mg/dL.
  - b. Incidence of creatinines less than 20 mg/dL in a “normal” population is approximately 1%.
  - c. Urine with less than 20 mg/dL of creatinines are considered “dilute” and often do not reflect an accurate picture of recent drug use.
  - d. Continued diluted drug tests will be treated as a compliance/dishonesty issue, but not a positive drug test. Dishonesty is the most severe misconduct and will be addressed significantly and appropriately. Participants that produce repeated diluted tests may be required to undergo testing with a nephrologist or other relevant physician at the participant’s expense.
- 10) Sanctions: Sanctions listed below are in no particular order and may include, but are not limited to:
  - a. Verbal warning
  - b. Community service
  - c. Written assignments
  - d. Increased meetings with supervising probation officer and/or treatment provider
  - e. Increased drug testing
  - f. Loss of privileges
  - g. Jail time
  - h. Termination from the program

- 11) I will be sanctioned for associating with other people who are engaged in substance use or for exposing yourself to passive inhalation or secondhand smoke.
- 12) I understand that substituting, altering, or attempting to substitute/alter my specimen for the purpose of changing drug testing result will be considered noncompliance. Such conduct may result in sanctioning and may be grounds for immediate termination from the Drug Treatment Court Program.

I have read the Drug Testing Participant Contract, or it has been read to me, and I understand the terms and conditions of my participation in the Drug Treatment Court Program. I agree to fully comply with these terms and conditions. By agreeing to participate in the Drug Treatment Court Program, I consent to the disclosure of my confidential information to Drug Treatment Court Program team members; I also consent to the disclosure of confidential information during Drug Treatment Court Program hearings as appropriate. I understand that this is a voluntary program. By agreeing to participate in the Drug Treatment Court Program, I agree that I will abide by all of the program's rules and this Drug Testing Participant Contract.

I understand and agree that it is my responsibility to produce a valid sample upon every request for testing. Failure to do so will be treated as an offense for possible sanction.

\_\_\_\_\_  
Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
U. S. Probation Officer

\_\_\_\_\_  
Date