**BOSTON SCIENTIFIC CORPORATION**

**PRE-EMPLOYMENT DRUG TESTING POLICY**

# STATEMENT OF PURPOSE

## Boston Scientific Corporation, including its subsidiaries and affiliates (collectively referred to herein as “Company”), is firmly committed to ensuring a safe, healthy, productive and efficient work environment for our employees, as well as our customers and to the public in general. The Company has a vital interest in ensuring a safe, healthy and efficient working environment and in preventing accidents and injuries resulting from the misuse of alcohol or drugs. The unlawful or improper presence or use of drugs or alcohol in the workplace presents a danger to everyone. For these reasons, the Company has established the following pre-employment drug testing policy.

## This policy appliesto applicants for all U.S. and Puerto Rico positions (excluding Maine), including any applicant for any such position who was formerly employed by the Company (unless prohibited by law).

## Questions regarding the meaning or application of this policy should be directed to the Company’s Human Resources Department.

## This policy is not a contract of employment. If an applicant fails to comply with this policy, the applicant will be ineligible for employment.

# REQUIRED PRE-EMPLOYMENT DRUG TESTING OF APPLICANTS

All applicants to whom the Company has given a conditional offer of employment are required to submit to a pre-employment drug test and must receive a negative result as a condition of employment.

# CONSEQUENCES FOR POLICY VIOLATIONS

## **Positive Test Results**

## Any applicant who receives a verified positive drug test result will be ineligible for employment with the Company. The Company’s decision shall be based only on the results of the drug test or a refusal to test.

## **Refusal to Submit**

## Although applicants have a right to refuse to submit to a test, any applicant who refuses to submit to a test will be ineligible for employment with the Company. The following conduct will be considered as refusing to submit to a test (and will be considered an unjustified refusal to test in Puerto Rico):

### refusing or failing to appear for a substance abuse test within a specified time, as determined by the Company, after being directed to do so by the Company;

### failing to sign an authorization form permitting the release of the drug test result to the Company;

### failing to remain at the testing site until the testing process is complete;

### failing to provide an appropriate specimen for collection;

### failing to provide a sufficient amount of urine when directed, without an adequate medical explanation;

### failing or declining to take a second drug test that the Company or collector has directed to be taken;

### failing to undergo a medical examination or evaluation, as directed by a medical review officer (“MRO”) as part of the verification process, or as directed by the Company as part of the “shy bladder” procedures;

### adulterating or substituting a specimen, or attempting to adulterate or substitute a specimen;

### in the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a urine specimen (unless prohibited by law); and,

### failing to cooperate with any part of the testing process, such as by delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process.

## **Consumption of Food or Food-Products Containing Hemp**

## The consumption of food and food-products containing hemp may cause an applicant to test positive. A test result that is positive as a result of an applicant’s consumption of food or food-products containing or made from hemp or hemp products will be reported as a positive test.

## **Criminal Penalties**

## There may be criminal penalties for the illegal production, distribution, consumption, possession or trafficking of controlled substances under applicable federal, state, local and/or Puerto Rico laws.

# NOTIFICATION OF TEST RESULTS, CONFIDENTIALITY AND TESTING EXPENSES

## Applicants will be provided with a copy of their test results if they test positive or if otherwise required by law. Applicants in Boulder, Colorado may request a copy of the records pertaining to his or her positive test result, and may submit written information to the Company explaining such result.

## Any drug testing records and/or results are considered confidential and will only be accessible by authorized individuals with an employment-related need-to-know. Such records will not be disclosed to any third parties (not including Company testing administrators), except in accordance with applicable law.

## The Company will pay for all drug or alcohol tests required by the Company, which includes a confirmation drug test performed on an applicant’s urine specimen.

# DRUG TESTING PROCEDURES

The Company’s drug testing procedures comply with applicable laws. The Company’s procedures are intended to ensure the integrity, confidentiality and reliability of the testing process, safeguard the validity of the test results and ensure that test results are attributed to the correct individual. The procedures also minimize the impact upon the privacy and dignity of applicants undergoing such tests. In Iowa, the Company’s drug testing procedures comply with Iowa Code Ann. §730.5. Drug testing will be conducted via urine testing. The Company has established a chain of custody procedure for urine specimen collection and testing that will verify the identity of each urine specimen and test result.

## **Laboratories**

In general, drug tests will be administered at outside collection facilities and analyzed by laboratories which are certified by the U.S. Department of Health and Human Services (“DHHS-certified laboratory”) and/or otherwise required or permitted by applicable state and local laws. All drug testing in Montana will follow the procedures utilized by the U.S. Department of Transportation, 49 C.F.R. Part 40.

## **Drugs to Be Tested For**

Unless otherwise prohibited by law, the Company will test for the following drugs: amphetamines, barbiturates, benzodiazepines, cocaine, methadone, METQ, opiates, phencyclidine (PCP), propoxyphene, marijuana and their metabolites. In Montana, the Company will test for amphetamines (including Ecstasy), cocaine, marijuana, opiates, phencyclidine (PCP) and their metabolites. In Oklahoma, the Company will test for drugs and alcohol as defined in the Standards for Workplace Drug and Alcohol Testing Act, including controlled substances approved for testing by the State Commissioner of Health.

## **Confirmation and Review of Drug Test Results**

All positive drug test results will be confirmed by gas chromatography and mass spectrometry (“GC/MS”). All confirmed positive drug test results will be reviewed by a medical review officer (“MRO”) to determine whether there is any legitimate explanation for the positive test result. This review may include a medical interview, review of the applicant’s medical history, or review of any other relevant biomedical factors and all medical records made available by the applicant.

An applicant’s use of prescription and over-the-counter medications may result in a positive test result. Applicants will be given the opportunity to discuss with the MRO any legitimate explanation for the positive test result. Applicants may provide any information which may be considered relevant to the test, including identification of prescription or nonprescription drugs currently or recently used, or other relevant medical information. If the MRO determines that there is a legitimate medical explanation for the confirmed positive test result, the MRO will report the test result as negative. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified by the MRO as a confirmed positive test. If an applicant refuses or fails to make himself/herself available to speak with the MRO, the MRO may verify a test as positive without having communicated directly with the tested individual.

If the MRO reports to the Company that a negative drug test was dilute, the applicant will be directed to take another test immediately. If the applicant refuses to take a second test, this constitutes a refusal to test.

## **Right to Request Confirmatory Re-test After Testing Positive**

Applicants who test positive may request a confirmatory re-test of the original specimen, at their own expense, in a different DHHS-certified laboratory (or other laboratory required or permitted under state law) selected by the Company (unless otherwise required by law). This request must be made by the applicant within 72 hours of notification of the positive test result by the MRO, unless otherwise specified by law.

## **Inability to Provide Adequate Amount of Urine**

Applicants must provide at least 45 milliliters of urine for a drug test. If the applicant is unable to provide such a quantity of urine, then the individual will be instructed to drink a set amount of fluids and, after a set period of time, again directed to provide a complete specimen. If the applicant refuses to drink the fluids as directed, or refuses to provide a new urine specimen, this will constitute a refusal to submit to a test. If an applicant has not provided a sufficient specimen within a certain time period after the first unsuccessful attempt to provide the specimen, the Company will direct the applicant to submit to blood testing, unless prohibited by law. If blood testing is not feasible or is not permitted by law, the applicant will be directed to submit to a medical evaluation, as soon as possible, from a physician selected by the Company. If the physician determines that there is no legitimate medical explanation for the individual’s failure to provide an adequate amount of urine, this will constitute a refusal to submit to a test. If the physician determines that there is a legitimate medical explanation for the individual’s failure to provide an adequate amount of urine, the Company, in consultation with the physician or MRO, will determine whether the applicant should be retested, including whether a reasonable accommodation, if applicable, can be made which will provide an adequate, accurate and timely test result that will not impose an undue hardship on the program.

## **Adulterated or Substituted Urine Specimens**

Procedures for collecting specimens allow an individual privacy unless there is a reason to believe that a particular individual may adulterate or substitute the specimen. In such cases, a specimen may be obtained under the direct observation of a collection site person of the same gender as the applicant, unless prohibited by law.