

Business

FILED MAR 18 1991

SENATE FILE 400
BY BORLAUG

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing an employer to conduct random drug testing of
2 employees in sensitive positions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 400

1 Section 1. Section 730.5, subsection 1, Code 1991, is
2 amended by adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. As used in this section,
4 "sensitive position" means a position in which impairment on
5 the job of an employee's faculties due to the use of a
6 controlled substance or alcohol presents a danger to the
7 safety of the employee, another employee, a member of the
8 public, or the property of the employer or the public.
9 Sensitive position includes but is not limited to the
10 following positions: peace officers, correctional officers,
11 security guards, licensed health care professionals, and
12 positions requiring a commercial driver's license.

13 Sec. 2. Section 730.5, subsection 2, unnumbered paragraph
14 1, Code 1991, is amended to read as follows:

15 Except as provided in subsection 7, an employer shall not
16 require or request employees or applicants for employment to
17 submit to a drug test as a condition of employment,
18 preemployment, promotion, or change in status of employment.
19 An employer shall not request, require, or conduct random or
20 blanket drug testing of employees, except that an employer may
21 request, require, or conduct random drug testing of employees
22 in sensitive positions. However, this section does not apply
23 to preemployment drug tests authorized for ~~peace-officers-or~~
24 ~~correctional-officers-of-the-state~~ employees in sensitive
25 positions, or to drug tests required under federal statutes or
26 under federal regulations adopted as of July 1, 1990, or to
27 drug tests conducted pursuant to a nuclear regulatory
28 commission policy statement, or to drug tests conducted to
29 determine if an employee is ineligible to receive workers'
30 compensation under section 85.16, subsection 2.

31 Sec. 3. Section 730.5, subsection 3, paragraph b, Code
32 1991, is amended to read as follows:

33 b. The employee is in a position where ~~such-impairment~~
34 ~~presents-a-danger-to-the-safety-of-the-employee,-another~~
35 ~~employee,-a-member-of-the-public,-or-the-property-of-the~~

1 employer, ~~or~~ when impairment due to the effects of a
2 controlled substance is a violation of a known rule of the
3 employer.

4 EXPLANATION

5 This bill allows an employer to conduct random drug testing
6 of employees in sensitive positions where impairment on the
7 job of an employee's faculties due to the use of a controlled
8 substance or alcohol presents a danger to the safety of the
9 employee, another employee, a member of the public, or to the
10 property of the employer or the public. The bill defines
11 sensitive position to include, but not be limited to, persons
12 employed as peace officers, correctional officers, security
13 guards, licensed health care professionals, and persons who
14 hold commercial driver's licenses.

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