

# House Amendment 1179

## Amendment Text

PAG LIN

1 1 Amend [House File 289](#) as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 "Section 1. NEW SECTION. 730.6 PUBLIC SAFETY  
1 5 EMPLOYEES - DRUG TESTING.  
1 6 1. For purposes of this section, "public safety  
1 7 employee" means an employee of the state or a  
1 8 political subdivision of the state who is a fire  
1 9 fighter, a peace officer as defined in section 801.4,  
1 10 or an emergency medical care provider as defined in  
1 11 section 147A.1.  
1 12 2. Notwithstanding the provisions of section 730.5  
1 13 to the contrary, an employer of public safety  
1 14 employees may elect to require public safety employees  
1 15 of the employer to submit to drug and alcohol testing  
1 16 pursuant to a written policy adopted by the employer  
1 17 and applicable to all such employees. The written  
1 18 policy shall establish procedures and standards for  
1 19 drug and alcohol testing of public safety employees  
1 20 which shall be consistent with the procedures and  
1 21 standards established for drug and alcohol testing of  
1 22 employees under the federal Omnibus Transportation  
1 23 Employee Testing Act of 1991.  
1 24 3. The written policy shall provide that upon  
1 25 receipt for a public safety employee of the first  
1 26 confirmed positive drug or alcohol test result, the  
1 27 employer shall provide the public safety employee with  
1 28 a substance abuse evaluation, and treatment if  
1 29 recommended by the evaluation, with costs apportioned  
1 30 as provided under the employee benefit plan or at  
1 31 employer expense, if an employee benefit plan is not  
1 32 in effect which apportions costs. The employer shall  
1 33 take no disciplinary action against the public safety  
1 34 employee upon receipt of the first confirmed positive  
1 35 drug or alcohol test result if the public safety  
1 36 employee undergoes a substance abuse evaluation, and  
1 37 if the public safety employee successfully completes  
1 38 substance abuse treatment if treatment is recommended  
1 39 by the evaluation. However, if a public safety  
1 40 employee fails to undergo substance abuse evaluation  
1 41 when required as a result of a drug or alcohol test,  
1 42 fails to successfully complete substance abuse  
1 43 treatment when recommended by an evaluation, or fails  
1 44 to pass subsequent drug or alcohol tests as provided  
1 45 in the written policy, the public safety employee may  
1 46 be disciplined up to and including discharge. The  
1 47 substance abuse evaluation and treatment provided by  
1 48 the employer shall take place under a program approved  
1 49 by the department of public health or accredited by  
1 50 the joint commission on the accreditation of health  
2 1 care organizations."  
2 2 #2. Title page, lines 1 and 2, by striking the  
2 3 words "and making penalties applicable".  
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2 7 COMMITTEE ON [LOCAL GOVERNMENT](#)

2 8 VANDE HOEF of Osceola, Chairperson

2 9 [HF 289.302](#) 77

2 10 ec/cf/28