

Handwriting Annual (2008) 1st Pass 4/7 (p. 1689)  
Date " 4/7

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FILED APR 6 1990

SENATE FILE 2432  
BY HUTCHINS and HULTMAN

Passed Senate, Date 4/7/90 (p. 1710) Passed House, Date 4/8/90 (p. 2378)  
Vote: Ayes 37 Nays 12 Vote: Ayes 68 Nays 15  
Approved April 24, 1990

## A BILL FOR

1 An Act relating to the drug testing of certain individuals as  
2 required pursuant to certain federal regulations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2432

1 Section 1. Section 730.5, subsection 2, Code 1989, is  
2 amended to read as follows:

3 2. Except as provided in subsection 7, an employer shall  
4 not require or request employees or applicants for employment  
5 to submit to a drug test as a condition of employment,  
6 preemployment, promotion, or change in status of employment.  
7 An employer shall not request, require, or conduct random or  
8 blanket drug testing of employees. However, this section does  
9 not apply to preemployment drug tests authorized for peace  
10 officers or correctional officers of the state, or to drug  
11 tests required under federal statutes or under federal  
12 regulations adopted as of July 1, 1990, or to drug tests  
13 conducted pursuant to a nuclear regulatory commission policy  
14 statement, or to drug tests conducted to determine if an  
15 employee is ineligible to receive workers' compensation under  
16 section 85.16, subsection 2.

17 Sec. 2.

18 This Act shall take precedence over any other statute  
19 amending section 730.5, subsection 2, enacted during the  
20 Seventy-third General Assembly, 1990 Session, to the extent  
21 that this Act cannot be reconciled with such other enactment.

22 EXPLANATION

23 This bill provides that the restrictions on drug testing of  
24 employees or applicants for employment do not apply where such  
25 tests are required by federal regulations adopted as of July  
26 1, 1990.

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SENATE FILE 2432  
BY HUTCHINS and HULTMAN

(AS AMENDED AND PASSED BY THE SENATE APRIL 7, 1990)

~~\_\_\_\_\_~~ - New Language by the Senate

Passed Senate, Date 4-7-90 (p. 1710) Passed House, Date 4/8/90 (p. 2398)  
Vote: Ayes 31 Nays 17 Vote: Ayes 68 Nays 15  
Approved April 24, 1990

A BILL FOR

1 An Act relating to the drug testing of certain individuals as  
2 required pursuant to certain federal regulations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2432

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2 amended to read as follows:

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4 not require or request employees or applicants for employment  
5 to submit to a drug test as a condition of employment,  
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7 An employer shall not request, require, or conduct random or  
8 blanket drug testing of employees. However, this section does  
9 not apply to preemployment drug tests authorized for peace  
10 officers or correctional officers of the state, or to drug  
11 tests required under federal statutes or under federal  
12 regulations adopted as of July 1, 1990, or to drug tests  
13 conducted pursuant to a nuclear regulatory commission policy  
14 statement, or to drug tests conducted to determine if an  
15 employee is ineligible to receive workers' compensation under  
16 section 85.16, subsection 2.

17 The exemption granted by this subsection relating to drug  
18 testing pursuant to federal regulations adopted as of July 1,  
19 1990, is of no effect, as it applies to a particular  
20 regulation, upon a finding by a court of competent  
21 jurisdiction, including any appeal of such finding, that the  
22 particular regulation is unconstitutional or otherwise  
23 invalid. The decision of a court invalidating any regulation  
24 exempted by this section shall not be stayed pending appeal.

25 Sec. 2.

26 This Act shall take precedence over any other statute  
27 amending section 730.5, subsection 2, enacted during the  
28 Seventy-third General Assembly, 1990 Session, to the extent  
29 that this Act cannot be reconciled with such other enactment.

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## SENATE FILE 2432

S-6008

Amend Senate File 2432 as follows:

1. Page 1, by inserting after line 16 the following:
- "The exemption granted by this subsection relating to drug testing pursuant to federal regulations adopted as of July 1, 1990, is of no effect, as it applies to a particular regulation, upon a finding by a court of competent jurisdiction that the particular regulation is unconstitutional or otherwise invalid, or upon the revision or amendment of the regulation."

By COMMITTEE ON JUDICIARY

RICHARD J. VARN, Chairperson

S-6008 FILED APRIL 7, 1990

ADOPTED *as amended by 6017, 6026 4/7 (p.1710)*

## SENATE FILE 2432

S-6009

Amend the amendment, S-6008, to Senate File 2432 as follows:

1. Page 1, lines 9 and 10, by striking the words "or upon the revision or amendment of the regulation".

By RICHARD F. DRAKE

S-6009 FILED APRIL 7, 1990

SCHEDULED OUT OF ORDER *(p.1710)*

## SENATE FILE 2432

S-6017

Amend the Committee amendment, S-6008, to Senate File 2432, as follows:

1. Page 1, line 8, by inserting after the word "jurisdiction" the following: "including any appeal of such finding,".
2. Page 1, by striking lines 9 and 10, and inserting the following: "regulation is unconstitutional or otherwise invalid."

By RICHARD VARN

S-6017 FILED APRIL 7, 1990

ADOPTED *(p.1710)*

## SENATE FILE 2432

S-6020

Amend the amendment, S-6008, to House File 2432, as follows:

1. Page 1, by inserting after line 10 the following: "The decision of a court invalidating any regulation exempted by this section shall not be stayed pending appeal."

By TOM MANN, Jr.

S-6020 FILED APRIL 7, 1990

ADOPTED *(p.1710)*

SENATE FILE 2432

Seventy-third General Assembly, 1990 Session, to the extent that this Act cannot be reconciled with such other enactment.

AN ACT

RELATING TO THE DRUG TESTING OF CERTAIN INDIVIDUALS AS REQUIRED PURSUANT TO CERTAIN FEDERAL REGULATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 730.5, subsection 2, Code 1989, is amended to read as follows:

2. Except as provided in subsection 7, an employer shall not require or request employees or applicants for employment to submit to a drug test as a condition of employment, preemployment, promotion, or change in status of employment. An employer shall not request, require, or conduct random or blanket drug testing of employees. However, this section does not apply to preemployment drug tests authorized for peace officers or correctional officers of the state, or to drug tests required under federal statutes or under federal regulations adopted as of July 1, 1990, or to drug tests conducted pursuant to a nuclear regulatory commission policy statement, or to drug tests conducted to determine if an employee is ineligible to receive workers' compensation under section 85.16, subsection 2.

The exemption granted by this subsection relating to drug testing pursuant to federal regulations adopted as of July 1, 1990, is of no effect, as it applies to a particular regulation, upon a finding by a court of competent jurisdiction, including any appeal of such finding, that the particular regulation is unconstitutional or otherwise invalid. The decision of a court invalidating any regulation exempted by this section shall not be stayed pending appeal.

Sec. 2.

This Act shall take precedence over any other statute amending section 730.5, subsection 2, enacted during the

.....  
JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2432, Seventy-third General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 24, 1990

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TERRY E. BRANSTAD  
Governor