

4/10/95 Referred to Local Gov.

MAR 20 1995

Place On Calendar

HOUSE FILE 493
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 281)

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

A BILL FOR

1 An Act providing for drug testing of public safety employees and
2 making penalties applicable.

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

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HF 493

1 Section 1. Section 730.5, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "drug Drug test" means any blood, urine, saliva,
6 chemical, or skin tissue test conducted for the purpose of
7 detecting the presence of a chemical substance in an
8 individual.

9 b. "Neutral selection basis" means a mechanism for
10 selecting employees for drug testing that results in an equal
11 probability that any employee from a group of employees
12 subject to the selection mechanism will be selected and that
13 does not give an employer discretion to waive the selection of
14 any employee selected under the mechanism.

15 c. "Public safety employee" means an employee of the state
16 or a political subdivision of the state who is a fire fighter
17 or peace officer as defined in section 801.4.

18 Sec. 2. Section 730.5, subsection 3, paragraph a, Code
19 1995, is amended to read as follows:

20 a. The employer has probable cause to believe that an
21 employee's faculties are impaired on the job. However, an
22 employer may require a public safety employee to submit to a
23 drug test on a neutral selection basis.

24 Sec. 3. Section 730.5, subsection 3, paragraph f, Code
25 1995, is amended by adding the following new unnumbered
26 paragraph:

27 NEW UNNUMBERED PARAGRAPH. However, an employer of a public
28 safety employee whose drug test indicates the presence of
29 alcohol or a controlled substance may discipline the employee,
30 up to and including discharge, and shall require, as a
31 condition of employment, that the employee undergo substance
32 abuse evaluation and treatment at the employee's expense.

33 EXPLANATION

34 This bill provides for random drug testing of public safety
35 employees. The bill defines "public safety employee" as a

1 fire fighter or a peace officer and establishes the
2 requirements of a random drug test. The bill also provides
3 that a public safety employee who tests positive for drugs or
4 alcohol may be disciplined, including discharge, and shall be
5 required, as a condition of employment, to complete substance
6 abuse evaluation and treatment at the employee's expense.

7 A violation of the section concerning drug testing of
8 employees constitutes a simple misdemeanor.

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H-3436

1 Amend House File 493 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 730.6 IMPAIRMENT
5 TESTING OF PUBLIC SAFETY EMPLOYEES OR APPLICANTS
6 REGULATED.

7 1. As used in this section, unless the context
8 otherwise requires:

9 a. "Impairment testing" means a noninvasive,
10 computer-assisted test of hand-eye coordination
11 conducted to detect impairment by comparing an
12 employee's current performance level with the
13 employee's previously established baseline level of
14 performance, but not conducted to determine the cause
15 of impairment.

16 b. "Public safety employee" means an employee of
17 the state or a political subdivision of the state who
18 is a fire fighter or peace officer as defined in
19 section 801.4.

20 2. An employer shall not require or request
21 applicants for employment as a public safety employee
22 to submit to an impairment test as a condition of
23 preemployment.

24 3. An employer may require a public safety
25 employee to submit to an impairment test as a
26 condition of employment if the test is administered
27 equitably to all public safety employees in safety-
28 sensitive positions where impairment represents a
29 danger to the safety of the public safety employee,
30 another employee, a member of the public, or the
31 property of the employer.

32 4. A public safety employee shall not be
33 discharged from employment solely because the results
34 from an impairment test indicate that a public safety
35 employee's faculties are impaired.

36 5. Impairment test results are not sufficient
37 probable cause to request or require a public safety
38 employee to submit to a drug test.

39 6. An employer shall protect the confidentiality
40 of the results of any impairment test conducted on a
41 public safety employee. The results of the test may
42 be recorded in the public safety employee's personnel
43 records."

44 2. Title page, line 1, by striking the word
45 "drug" and inserting the following: "impairment".

46 3. Title page, lines 1 and 2, by striking the
47 words "and making penalties applicable".

By RUNNING of Linn

H-3436 FILED MARCH 23, 1995

H-3437

1 Amend House File 493 as follows:

2 1. Page 1, line 23, by inserting after the word
3 "basis" the following: "but only if the drug test is
4 conducted under the supervision of a physician".

By RUNNING of Linn

H-3437 FILED MARCH 23, 1995

HOUSE FILE 493

H-3669

1 Amend House File 493 as follows:

2 1. Page 1, lines 16 and 17, by striking the words
3 "fighter or" and inserting the following: "fighter,".

4 2. Page 1, line 17, by inserting after the figure
5 "801.4" the following: ", an employee of the
6 department of justice performing duties specified in
7 section 13.2, subsections 1 through 3, a prosecuting
8 attorney as defined in section 13A.1, or an employee
9 of the judicial department or a judicial officer as
10 defined in section 602.1101".

By COON of Warren

TYRRELL of Iowa

BELL of Jasper

RUNNING of Linn

H-3669 FILED MARCH 31, 1995

HOUSE FILE 493

H-3696

1 Amend House File 493 as follows:

2 1. Page 1, line 32, by inserting after the word
3 "expense" the following: ", unless evaluation and
4 treatment are provided under an employee benefit
5 plan".

By DISNEY of Polk

CONNORS of Polk

H-3696 FILED APRIL 3, 1995

Disney, chr
Brauns
Munzie

HSB 281

LOCAL GOVERNMENT

Submitted By
or
HOUSE FILE 493

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON VANDE HOEF)

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