

House Study Bill 281

Conference Committee Text

PAG LIN

1 1 Section 1. Section 730.5, subsection 1, Code 1995, is
1 2 amended to read as follows:
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "

~~—drug~~

- Drug test" means any blood, urine, saliva,
1 6 chemical, or skin tissue test conducted for the purpose of
1 7 detecting the presence of a chemical substance in an
1 8 individual.
1 9 b. "Neutral selection basis" means a mechanism for
1 10 selecting employees for drug testing that results in an equal
1 11 probability that any employee from a group of employees
1 12 subject to the selection mechanism will be selected and that
1 13 does not give an employer discretion to waive the selection of
1 14 any employee selected under the mechanism.
1 15 c. "Public safety employee" means an employee of the state
1 16 or a political subdivision of the state who is a fire fighter
1 17 or peace officer as defined in section 801.4.

1 18 Sec. 2. Section 730.5, subsection 3, paragraph a, Code
1 19 1995, is amended to read as follows:

1 20 a. The employer has probable cause to believe that an
1 21 employee's faculties are impaired on the job. However, an
1 22 employer may require a public safety employee to submit to a
1 23 drug test on a neutral selection basis.

1 24 Sec. 3. Section 730.5, subsection 3, paragraph f, Code
1 25 1995, is amended by adding the following new unnumbered
1 26 paragraph:

1 27 NEW UNNUMBERED PARAGRAPH. However, an employer of a public
1 28 safety employee whose drug test indicates the presence of
1 29 alcohol or a controlled substance may discipline the employee,
1 30 up to and including discharge, or require, as a condition of
1 31 employment, that the employee undergo substance abuse
1 32 evaluation and treatment at the employee's expense.

1 33 EXPLANATION

1 34 This bill provides for random drug testing of public safety
1 35 employees. The bill defines "public safety employee" as a
2 1 fire fighter or a peace officer and establishes the
2 2 requirements of a random drug test. The bill also provides
2 3 that a public safety employee who tests positive for drugs or
2 4 alcohol may be disciplined, including discharge, or may be
2 5 required, as a condition of employment, to complete substance
2 6 abuse evaluation and treatment at the employee's expense.

2 7 A violation of the section concerning drug testing of
2 8 employees constitutes a simple misdemeanor.

2 9 LSB 2336HC 76

2 10 ec/cf/24