

3/25/96 Judiciary

FILED MAR 4 1996

SENATE FILE 2393

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2174)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to regulation of employee drug testing required
2 pursuant to federal law.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

S.F. 2393

1 Section 1. Section 730.5, subsection 2, Code 1995, 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
14 regulation, 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 EXPLANATION

26 This bill provides that section 730.5, concerning drug
27 testing, does not apply to drug tests conducted pursuant to
28 federal law or regulations. Current law provides that section
29 730.5 does not apply to drug testing required by federal law
30 or regulations as of July 1, 1990. The bill also eliminates
31 the provision that the exemption for drug testing pursuant to
32 federal law does not apply to federal regulations declared
33 invalid or unconstitutional.

34
35

Bisignand
Giannetto
Vilsack
Redfern
Zettger

SSB 2174

Judiciary

Succeeded By

(SF) HF 2393

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON GIANNETTO)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to regulation of employee drug testing required
2 pursuant to federal law.

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 730.5, subsection 2, Code 1995, 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
14 regulation, 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 EXPLANATION

26 This bill provides that section 730.5, concerning drug
27 testing, does not apply to drug tests conducted pursuant to
28 federal law or regulations. Current law provides that section
29 730.5 does not apply to drug testing required by federal law
30 or regulations as of July 1, 1990. The bill also eliminates
31 the provision that the exemption for drug testing pursuant to
32 federal law does not apply to federal regulations declared
33 invalid or unconstitutional.

34
35