

# Senate Study Bill 2174

## Conference Committee Text

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1 1 Section 1. Section [730.5](#), subsection 2, Code 1995, is  
1 2 amended to read as follows:  
1 3 2. Except as provided in subsection 7, an employer shall  
1 4 not require or request employees or applicants for employment  
1 5 to submit to a drug test as a condition of employment,  
1 6 preemployment, promotion, or change in status of employment.  
1 7 An employer shall not request, require, or conduct random or  
1 8 blanket drug testing of employees. However, this section does  
1 9 not apply to preemployment drug tests authorized for peace  
1 10 officers or correctional officers of the state,

~~—or~~

- to drug  
1 11 tests required under federal statutes or under federal  
1 12 regulations

~~—adopted as of July 1, 1990~~

- , or to drug tests  
1 13 conducted pursuant to a nuclear regulatory commission  
1 14 regulation, or to drug tests conducted to determine if an  
1 15 employee is ineligible to receive workers' compensation under  
1 16 section 85.16, subsection 2.  
1 17

~~—The exemption granted by this subsection relating to drug~~

~~—~~  
1 18

~~—testing pursuant to federal regulations adopted as of July 1,~~

~~—~~  
1 19

~~—1990, is of no effect, as it applies to a particular~~

~~—~~  
1 20

~~—regulation, upon a finding by a court of competent~~

~~—~~  
1 21

~~—jurisdiction, including any appeal of such finding, that the~~

~~—~~  
1 22

~~—particular regulation is unconstitutional or otherwise~~

~~—~~  
1 23

~~—invalid. The decision of a court invalidating any regulation~~

~~—~~  
1 24

~~—exempted by this section shall not be stayed pending appeal.~~

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1 25

### EXPLANATION

1 26 This bill provides that section 730.5, concerning drug

1 27 testing, does not apply to drug tests conducted pursuant to  
1 28 federal law or regulations. Current law provides that section  
1 29 730.5 does not apply to drug testing required by federal law  
1 30 or regulations as of July 1, 1990. The bill also eliminates  
1 31 the provision that the exemption for drug testing pursuant to  
1 32 federal law does not apply to federal regulations declared  
1 33 invalid or unconstitutional.  
1 34 LSB 4231SC 76  
1 35 ec/cf/24