

SENATE FILE 66
BY MADDOX

Passed Senate, Date _____ Passed HOUSE, 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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SF. 66

1 Section 1. Section 730.5, subsection 1, Code 1997, 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 peace officer as defined in section 801.4, or an emergency
18 medical care provider as defined in section 147A.1.

19 Sec. 2. Section 730.5, subsection 3, paragraphs a and b,
20 Code 1997, are amended to read as follows:

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

25 b. The employee is in a position where such impairment
26 presents a danger to the safety of the employee, another
27 employee, a member of the public, or the property of the
28 employer, or when impairment due to the effects of a
29 controlled substance is a violation of a known rule of the
30 employer, or when the employee is a public safety employee.

31 Sec. 3. Section 730.5, subsection 3, paragraph f, Code
32 1997, is amended by adding the following new unnumbered
33 paragraph:

34 NEW UNNUMBERED PARAGRAPH. However, an employer of a public
35 safety employee whose drug test indicates the presence of

1 alcohol or a controlled substance may discipline the employee,
2 up to and including discharge, and shall require, as a
3 condition of employment, that the employee undergo substance
4 abuse evaluation and treatment at the employee's expense,
5 unless evaluation and treatment are provided under an employee
6 benefit plan. A drug test of a public safety employee who is
7 a fire fighter or peace officer indicating the presence of
8 alcohol or a controlled substance and which is neither
9 rebutted nor explained by the employee constitutes misconduct
10 for purposes of chapter 400.

11 EXPLANATION

12 This bill provides for random drug testing of public safety
13 employees. The bill defines "public safety employee" as a
14 fire fighter, peace officer, or emergency medical care
15 provider, and establishes the requirements of a random drug
16 test. The bill also provides that a public safety employee
17 who tests positive for drugs or alcohol may be disciplined,
18 including discharge, and shall be required, as a condition of
19 employment, to complete substance abuse evaluation and
20 treatment at the employee's expense unless such treatment is
21 provided under an employee benefit plan. The bill also
22 provides that a positive drug test for a fire fighter or peace
23 officer constitutes misconduct for purposes of discipline
24 under chapter 400.

25 A violation of the section concerning drug testing of
26 employees constitutes a simple misdemeanor.

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