

MAR 1 1 2005
Place On Calendar

HOUSE FILE 703
BY COMMITTEE ON COMMERCE,
REGULATION AND LABOR

(SUCCESSOR TO HSB 131)

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

A BILL FOR

1 An Act concerning authorized testing substances for private
2 sector employee drug testing.

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

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HF 703

1 Section 1. Section 730.5, subsection 1, paragraph b, Code
2 2005, is amended to read as follows:

3 b. "Confirmed positive test result" means, except for
4 alcohol testing conducted pursuant to subsection 7, paragraph
5 "f", subparagraph (2), the results of a ~~blood, urine, or oral~~
6 fluid drug test in which the level of controlled substances or
7 metabolites in the specimen sample analyzed meets or exceeds
8 nationally accepted standards for determining detectable
9 levels of controlled substances as adopted by the federal
10 substance abuse and health services administration. If
11 nationally accepted standards for ~~oral-fluid~~ tests on a
12 particular specimen have not been adopted by the federal
13 substance abuse and health services administration, the
14 standards for determining detectable levels of controlled
15 substances for purposes of determining a confirmed positive
16 test result shall be the same standard that has been
17 established cleared or approved by the ~~federal~~ United States
18 food and drug administration for the measuring-instrument-used
19 to-perform-the-oral-fluid-test particular specimen testing
20 utilized.

21 Sec. 2. Section 730.5, subsection 1, paragraph k, Code
22 2005, is amended to read as follows:

23 k. "Sample" means such sample from the human body capable
24 of revealing the presence of alcohol or other drugs, or their
25 metabolites, which shall include only ~~urine, saliva, breath,~~
26 and-blood such specimens from the human body that have been
27 cleared or approved by the United States food and drug
28 administration for drug testing. However, "sample" does not
29 mean blood except as authorized pursuant to subsection 7,
30 paragraph "1".

31 EXPLANATION

32 This bill concerns what specimens from the human body are
33 permitted to be tested for purposes of private sector employee
34 drug testing.

35 The bill provides that private sector drug testing may be

1 conducted on only those specimens that have been cleared or
2 approved by the United States food and drug administration for
3 drug testing. Under current Iowa law, drug testing is
4 permitted only on samples of urine, saliva, breath, and blood.

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HOUSE FILE 703

H-1142

1 Amend House File 703 as follows:

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

4 "Section 1. Section 730.5, subsection 1, paragraph
5 b, Code 2005, is amended to read as follows:

6 b. "Confirmed positive test result" means, except
7 for alcohol testing conducted pursuant to subsection
8 7, paragraph "f", subparagraph (2), the results of a
9 ~~blood, urine, or oral fluid~~ drug test in which the
10 level of controlled substances or metabolites in the
11 ~~specimen sample~~ analyzed meets or exceeds nationally
12 accepted standards for determining detectable levels
13 of controlled substances as adopted by the ~~federal~~
14 United States department of health and human services'
15 substance abuse and mental health services
16 administration. If nationally accepted standards for
17 ~~oral fluid tests on a particular specimen~~ have not
18 been adopted by the ~~federal~~ United States department
19 of health and human services' substance abuse and
20 mental health services administration, the standards
21 for determining detectable levels of controlled
22 substances for purposes of determining a confirmed
23 positive test result shall be the same standard that
24 has been ~~established~~ cleared or approved by the
25 ~~federal~~ United States department of health and human
26 services' food and drug administration for the
27 ~~measuring instrument used to perform the oral fluid~~
28 ~~test particular specimen testing~~ utilized.

29 Sec. 2. Section 730.5, subsection 1, paragraph k,
30 Code 2005, is amended to read as follows:

31 k. "Sample" means such sample from the human body
32 capable of revealing the presence of alcohol or other
33 drugs, or their metabolites, ~~which shall include only~~
34 ~~urine, saliva, breath, and blood~~. However, "sample"
35 does not mean blood except as authorized pursuant to
36 subsection 7, paragraph "l".

37 Sec. 3. Section 730.5, subsection 7, paragraph b,
38 Code 2005, is amended to read as follows:

39 b. Collection of a ~~urine~~ sample for testing of
40 current employees shall be performed so that the
41 specimen is split into two components at the time of
42 collection in the presence of the individual from whom
43 the sample or specimen is collected. The second
44 portion of the specimen or sample shall be of
45 sufficient quantity to permit a second, independent
46 confirmatory test as provided in paragraph "i". ~~The~~
47 If the sample is urine, the sample shall be split such
48 that the primary sample contains at least thirty
49 milliliters and the secondary sample contains at least
50 fifteen milliliters. Both portions of the sample

H-1142

1 shall be forwarded to the laboratory conducting the
2 initial confirmatory testing. In addition to any
3 requirements for storage of the initial sample that
4 may be imposed upon the laboratory as a condition for
5 certification or approval, the laboratory shall store
6 the second portion of any sample until receipt of a
7 confirmed negative test result or for a period of at
8 least forty-five calendar days following the
9 completion of the initial confirmatory testing, if the
10 first portion yielded a confirmed positive test
11 result.

12 Sec. 4. Section 730.5, subsection 7, paragraph f,
13 subparagraph (2), Code 2005, is amended to read as
14 follows:

15 (2) Notwithstanding any provision of this section
16 to the contrary, alcohol testing, including initial
17 and confirmatory testing, may be conducted pursuant to
18 requirements established by the employer's written
19 policy. The written policy shall include requirements
20 governing evidential breath testing devices, alcohol
21 screening devices, and the qualifications for
22 personnel administering initial and confirmatory
23 testing, which shall be consistent with regulations
24 adopted as of ~~January 1, 1999~~ March 15, 2005, by the
25 United States department of transportation governing
26 alcohol testing required to be conducted pursuant to
27 the federal Omnibus Transportation Employee Testing
28 Act of 1991."

29 2. Title page, line 1, by striking the words
30 "authorized testing substances for".

By STRUYK of Pottawattamie

HOUSE FILE 703
BY COMMITTEE ON COMMERCE,
REGULATION AND LABOR

(SUCCESSOR TO HSB 131)

(As Amended and Passed by the House March 23, 2005)

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

A BILL FOR

* 1 An Act concerning private sector employee drug testing.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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All New Language
Deleted Language *

1 Section 1. Section 730.5, subsection 1, paragraph b, Code
2 2005, is amended to read as follows:

3 b. "Confirmed positive test result" means, except for
4 alcohol testing conducted pursuant to subsection 7, paragraph
5 "f", subparagraph (2), the results of a ~~blood, urine, or oral~~
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10 United States department of health and human services'
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18 test result shall be the same standard that has been
19 established cleared or approved by the ~~federal~~ United States
20 department of health and human services' food and drug
21 administration for the ~~measuring-instrument-used-to-perform~~
22 the-oral-fluid-test particular specimen testing utilized.

23 Sec. 2. Section 730.5, subsection 1, paragraph k, Code
24 2005, is amended to read as follows:

25 k. "Sample" means such sample from the human body capable
26 of revealing the presence of alcohol or other drugs, or their
27 metabolites, ~~which shall include only urine, saliva, breath,~~
28 and blood. However, "sample" does not mean blood except as
29 authorized pursuant to subsection 7, paragraph "l".

30 Sec. 3. Section 730.5, subsection 7, paragraph b, Code
31 2005, is amended to read as follows:

32 b. Collection of a urine sample for testing of current
33 employees shall be performed so that the specimen is split
34 into two components at the time of collection in the presence
35 of the individual from whom the sample or specimen is

1 collected. The second portion of the specimen or sample shall
2 be of sufficient quantity to permit a second, independent
3 confirmatory test as provided in paragraph "i". ~~The~~ If the
4 sample is urine, the sample shall be split such that the
5 primary sample contains at least thirty milliliters and the
6 secondary sample contains at least fifteen milliliters. Both
7 portions of the sample shall be forwarded to the laboratory
8 conducting the initial confirmatory testing. In addition to
9 any requirements for storage of the initial sample that may be
10 imposed upon the laboratory as a condition for certification
11 or approval, the laboratory shall store the second portion of
12 any sample until receipt of a confirmed negative test result
13 or for a period of at least forty-five calendar days following
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21 by the employer's written policy. The written policy shall
22 include requirements governing evidential breath testing
23 devices, alcohol screening devices, and the qualifications for
24 personnel administering initial and confirmatory testing,
25 which shall be consistent with regulations adopted as of
26 ~~January 17, 1999~~ March 15, 2005, by the United States
27 department of transportation governing alcohol testing
28 required to be conducted pursuant to the federal Omnibus
29 Transportation Employee Testing Act of 1991.

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HOFFMAN, CH
WILDERDYKE
T. TAYLOR

HSB 131
COMMERCE, REGULATION & LABOR
HOUSE FILE _____
BY (PROPOSED COMMITTEE ON COMMERCE,
REGULATION AND LABOR BILL
BY CHAIRPERSON JENKINS)

SF 0703

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

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