

MAR 6 2006  
Place On Calendar

HOUSE FILE 2648  
BY COMMITTEE ON COMMERCE,  
REGULATION AND LABOR

(SUCCESSOR TO HSB 714)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

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

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HF 2648

1 Section 1. Section 730.5, subsection 7, paragraph i,  
2 subparagraph (2), Code Supplement 2005, is amended to read as  
3 follows:

4 (2) If a confirmed positive test result for drugs or  
5 alcohol or a test result that is inconclusive or indicates  
6 that the sample has been diluted or altered for a prospective  
7 employee is reported to the employer by the medical review  
8 officer, the employer shall notify the prospective employee in  
9 writing of the results of the test, of the name and address of  
10 the medical review officer who made the report, and of the  
11 prospective employee's right to request records under  
12 subsection 13. The employer may allow a prospective employee  
13 to obtain a confirmatory test at an approved lab of the  
14 prospective employee's choice with costs payable by the  
15 prospective employee.

16 Sec. 2. Section 730.5, subsection 10, paragraph a,  
17 unnumbered paragraph 1, Code Supplement 2005, is amended to  
18 read as follows:

19 Upon receipt of a confirmed positive test result for drugs  
20 or alcohol which indicates a violation of the employer's  
21 written policy, upon receipt of a test result of a prospective  
22 employee that is inconclusive or indicates that the sample has  
23 been diluted or altered, or upon the refusal of an employee or  
24 prospective employee to provide a testing sample, an employer  
25 may use that test result or test refusal as a valid basis for  
26 disciplinary or rehabilitative actions pursuant to the  
27 requirements of the employer's written policy and the  
28 requirements of this section, which may include, among other  
29 actions, the following:

30 EXPLANATION

31 This bill provides that if the result of a test for drugs  
32 or alcohol on a prospective employee is inconclusive or  
33 indicates that the sample is altered or diluted, an employer  
34 may take disciplinary action against the prospective employee  
35 in the same manner as if the result of the test was positive

1 for drugs or alcohol. The bill also provides that the  
2 employer shall notify the prospective employee that the result  
3 of the test is inconclusive or that the sample is altered or  
4 diluted. If the result of the test is positive or  
5 inconclusive or indicative of an altered or diluted sample,  
6 the bill provides that the employer may allow the prospective  
7 employee to obtain a confirmatory test at the employee's cost.

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**HOUSE FILE 2648**

**H-8330**

1 Amend the amendment, H-8261, to House File 2648 as  
2 follows:

3 1. Page 1, by inserting after line 12 the  
4 following:

5 "\_\_\_\_. Page 1, line 12, by striking the word "may"  
6 and inserting the following: "shall."

7 2. By renumbering as necessary.

**By** WISE of Lee

**H-8330** FILED MARCH 21, 2006

LOST

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H-8261

- 1 Amend House File 2648 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 730.5, subsection 1, paragraph  
5 h, Code Supplement 2005, is amended to read as  
6 follows:  
7 h. "Prospective employee" means a person who has  
8 made application, whether written or oral, to an  
9 employer to become an employee or an employee who has  
10 made application, whether written or oral, to become  
11 employed in a safety-sensitive position with the  
12 employer."  
13 2. By renumbering as necessary.

By HORBACH of Tama

H-8261 FILED MARCH 14, 2006

## HOUSE FILE 2648

H-8259

- 1 Amend House File 2648 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 730.5, subsection 1,  
5 paragraphs b and k, Code Supplement 2005, are amended  
6 to read as follows:  
7 b. "Confirmed positive test result" means, except  
8 for alcohol testing conducted pursuant to subsection  
9 7, paragraph "f", subparagraph (2), the results of a  
10 blood, urine, ~~or~~ oral fluid, or other permissible test  
11 in which the level of controlled substances or  
12 metabolites in the specimen analyzed meets or exceeds  
13 nationally accepted standards for determining  
14 detectable levels of controlled substances as adopted  
15 by the federal substance abuse and mental health  
16 services administration. If nationally accepted  
17 standards for oral fluid tests have not been adopted  
18 by the federal substance abuse and mental health  
19 services administration, the standards for determining  
20 detectable levels of controlled substances for  
21 purposes of determining a confirmed positive test  
22 result shall be the same standard that has been  
23 established by the federal food and drug  
24 administration for the measuring instrument used to  
25 perform the oral fluid test. For purposes of this  
26 paragraph, "other permissible test" means any test on  
27 a sample that is utilized by an agency of this state  
28 for the purpose of detecting illegal drugs.  
29 k. "Sample" means such sample from the human body  
30 capable of revealing the presence of alcohol or other  
31 drugs, or their metabolites, which shall include ~~only~~  
32 urine, saliva, breath, and blood, and any other  
33 permissible sample. However, "sample" does not mean  
34 blood except as authorized pursuant to subsection 7,  
35 paragraph "l". For purposes of this paragraph, "other  
36 permissible sample" means any sample from the human  
37 body that is utilized by an agency of this state for  
38 the purpose of detecting illegal drugs."  
39 2. By renumbering as necessary.

By STRUYK of Pottawattamie

H-8259 FILED MARCH 14, 2006

HOUSE FILE 2648  
BY COMMITTEE ON COMMERCE,  
REGULATION AND LABOR

(SUCCESSOR TO HSB 714)

(As Amended and Passed by the House March 21, 2006)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to private sector drug testing.

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

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House Amendments \_\_\_\_\_

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TLSB 6462HV 81

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

3 h. "Prospective employee" means a person who has made  
4 application, whether written or oral, to an employer to become  
5 an employee or an employee who has made application, whether  
6 written or oral, to become employed in a safety-sensitive  
7 position with the employer.

8 Sec. 2. Section 730.5, subsection 7, paragraph i,  
9 subparagraph (2), Code Supplement 2005, is amended to read as  
10 follows:

11 (2) If a confirmed positive test result for drugs or  
12 alcohol or a test result that is inconclusive or indicates  
13 that the sample has been diluted or altered for a prospective  
14 employee is reported to the employer by the medical review  
15 officer, the employer shall notify the prospective employee in  
16 writing of the results of the test, of the name and address of  
17 the medical review officer who made the report, and of the  
18 prospective employee's right to request records under  
19 subsection 13. The employer may allow a prospective employee  
20 to obtain a confirmatory test at an approved lab of the  
21 prospective employee's choice with costs payable by the  
22 prospective employee.

23 Sec. 3. Section 730.5, subsection 10, paragraph a,  
24 unnumbered paragraph 1, Code Supplement 2005, is amended to  
25 read as follows:

26 Upon receipt of a confirmed positive test result for drugs  
27 or alcohol which indicates a violation of the employer's  
28 written policy, upon receipt of a test result of a prospective  
29 employee that is inconclusive or indicates that the sample has  
30 been diluted or altered, or upon the refusal of an employee or  
31 prospective employee to provide a testing sample, an employer  
32 may use that test result or test refusal as a valid basis for  
33 disciplinary or rehabilitative actions pursuant to the  
34 requirements of the employer's written policy and the  
35 requirements of this section, which may include, among other

1 actions, the following:

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FREEMAN, CH  
HORBACH  
T. TAYLOR

HSB 714  
COMMERCE, REGULATION & LABOR  
HOUSE FILE      2648  
BY (PROPOSED COMMITTEE ON  
COMMERCE, REGULATION  
AND LABOR BILL BY  
CHAIRPERSON JENKINS)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

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

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1 Section 1. Section 730.5, subsection 1, paragraph b, Code  
2 Supplement 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 test in which the level of controlled substances or  
7 metabolites in the specimen 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 mental health services administration. If  
11 nationally accepted standards for oral fluid tests have not  
12 been adopted by the federal substance abuse and mental health  
13 services administration, the standards for determining  
14 detectable levels of controlled substances for purposes of  
15 determining a confirmed positive test result shall be the same  
16 standard that has been established by the federal food and  
17 drug administration for the measuring instrument used to  
18 perform the oral fluid test. In addition, "confirmed positive  
19 test result" means, for a drug test of a prospective employee,  
20 the results of a blood, urine, or oral fluid test in which the  
21 medical review officer determines that the sample tested has  
22 been altered or diluted.

23 EXPLANATION

24 The bill provides that the result of a drug test of a  
25 prospective employee shall be considered a confirmed positive  
26 test result if a medical review officer can determine that the  
27 sample tested was altered or diluted.

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