

HOUSE BILL No. 2223

By Committee on Business, Commerce and Labor

1-30

AN ACT concerning public officers and employees; relating to drug testing; amending K.S.A. 2000 Supp. 75-4362 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2000 Supp. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor or attorney general and for applicants for safety sensitive positions in state government, but no applicant for such a position shall be required to submit to a test as a part of such program unless the applicant is first given a conditional offer of employment. The director also shall have the authority to establish and implement a drug screening program for persons currently holding the office of governor, lieutenant governor or attorney general or safety sensitive positions in state government, based upon reasonable suspicion of illegal drug use by any such person.

(b) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding such position.

~~(c) No person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if: (1) The employee has not previously had a valid positive test result, and (2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation.~~ Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(d) Except in hearings before the state civil service board regarding disciplinary action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

1 (e) The secretary of administration may adopt such rules and regu-
2 lations as necessary to carry out the provisions of this section.

3 (f) "Safety sensitive positions" means state law enforcement officers
4 who are authorized to carry firearms, state ~~corrections officers~~, *correc-*
5 *tional facility staff*, *state parole officers*, juvenile correctional facility staff,
6 heads of state agencies who are appointed by the governor and employees
7 on the governor's staff.

8 (g) All persons employed within a correctional institution, as defined
9 in K.S.A. 21-3826, and amendments thereto, or a juvenile correctional
10 facility, as defined in K.S.A. 38-1602, and amendments thereto, *or state*
11 *parole officers* may be subject to drug screening based upon reasonable
12 suspicion of illegal drug use.

13 Sec. 2. K.S.A. 2000 Supp. 75-4362 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.

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