

SESSION OF 2004

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 410**

As Amended by Senate Committee on  
Commerce

**Brief\***

SB 410, as amended, adds as conclusive evidence of misconduct, the failure of a pre-employment screening when the employee is employed prior to the results of the drug screen being known to the employer. The employee would be disqualified for unemployment benefits if he or she was terminated within seven days after the employer received the pre-employment drug screening results. In addition, possession of alcohol or a controlled substance at the workplace would be conclusive evidence of misconduct, rather than *prima facie* evidence of such under the provisions of the bill.

**Background**

Proponents for the bill included representatives from Prestige Inc., NFIB, Midway Sales, Kansas Chamber of Commerce, and Senator Derek Schmidt. KNEA presented written testimony in opposition to the bill.

The Senate Committee amended the bill by requiring that the employee be terminated within seven days after the pre-employment drug screening results are known by the employer.

The fiscal note indicates that the passage of the bill would be negligible on the Department of Human Resources.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>