

## HOUSE BILL No. 2132

By Committee on Veterans and Military

1-23

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1 AN ACT concerning the Kansas commission on veterans affairs office;  
2 relating to drug screening programs; safety sensitive positions;  
3 amending K.S.A. 2016 Supp. 75-4362 and repealing the existing  
4 section.

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

7 Section 1. K.S.A. 2016 Supp. 75-4362 is hereby amended to read as  
8 follows: 75-4362. (a) The director of the division of personnel services of  
9 the department of administration shall have the authority to establish and  
10 implement a drug screening program for persons taking office as governor,  
11 lieutenant governor, attorney general or members of the Kansas senate or  
12 house of representatives and for applicants for safety sensitive positions in  
13 state government, but no applicant for a safety sensitive position shall be  
14 required to submit to a test as a part of this program unless the applicant is  
15 first given a conditional offer of employment.

16 (b) The director also shall have the authority to establish and  
17 implement a drug screening program based upon a reasonable suspicion of  
18 illegal drug use by any person currently holding one of the following  
19 positions or offices:

- 20 (1) The office of governor, lieutenant governor or attorney general;
- 21 (2) members of the Kansas senate or house of representatives;
- 22 (3) any safety sensitive position;
- 23 (4) any position in an institution of mental health, as defined in  
24 K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive  
25 position;
- 26 (5) any position in the Kansas state school for the blind, as  
27 established under K.S.A. 76-1101 et seq., and amendments thereto;
- 28 (6) any position in the Kansas state school for the deaf, as established  
29 under K.S.A. 76-1001 et seq., and amendments thereto; or
- 30 (7) any employee of a state veteran's home operated by the director of  
31 the Kansas commission on veterans affairs office as described in K.S.A.  
32 76-1901 et seq. and K.S.A. 76-1951 et seq., and amendments thereto.

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

1 safety sensitive position.

2 (d) Except for a person who has access to a secured biological  
3 laboratory in the office of laboratory services of the department of health  
4 and environment, no person shall be terminated solely due to positive  
5 results of a test administered as a part of a program authorized by this  
6 section if:

7 (1) The employee has not previously had a valid positive test result;  
8 and

9 (2) the employee undergoes a drug evaluation and successfully  
10 completes any education or treatment program recommended as a result of  
11 the evaluation. Nothing herein shall be construed as prohibiting demotions,  
12 suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and  
13 amendments thereto.

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

18 (f) The secretary of administration may adopt such rules and  
19 regulations as necessary to carry out the provisions of this section.

20 (g) "Safety sensitive positions" means the following:

21 (1) All state law enforcement officers who are authorized to carry  
22 firearms;

23 (2) all state corrections officers;

24 (3) all state parole officers;

25 (4) heads of state agencies who are appointed by the governor and  
26 employees on the governor's staff;

27 (5) all employees with access to secure facilities of a correctional  
28 institution, as defined in K.S.A. 2016 Supp. 21-5914, and amendments  
29 thereto;

30 (6) all employees of a juvenile correctional facility, as defined in  
31 K.S.A. 2016 Supp. 38-2302, and amendments thereto;

32 (7) all employees within an institution of mental health, as defined in  
33 K.S.A. 76-12a01, and amendments thereto, who provide clinical,  
34 therapeutic or rehabilitative services to the clients and patients of those  
35 institutions; ~~and~~

36 (8) all employees who have access to a secured biological laboratory  
37 in the office of laboratory services of the department of health and  
38 environment; *and*

39 (9) *all employees of the Kansas commission on veterans affairs office.*

40 Sec. 2. K.S.A. 2016 Supp. 75-4362 is hereby repealed.

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