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## HOUSE BILL No. 2342

By Representative Larkin  
(By Request)

2-6

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10 AN ACT concerning public officers and employees; relating to random  
11 drug testing of employees in safety sensitive positions.

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

14 Section 1. (a) The head of the department or agency which employs  
15 persons in safety sensitive positions in state government shall establish  
16 and implement a random drug testing program for such employees.

17 (b) The head of the department or agency shall adopt such rules and  
18 regulations as necessary to carry out the provisions of this section.

19 (c) No person shall be terminated solely due to positive results of a  
20 test administered as a part of a program authorized by this section if:

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

23 (2) the employee undergoes a drug evaluation and successfully com-  
24 pletes any education or treatment program recommended as a result of  
25 the evaluation. Nothing herein shall be construed as prohibiting demo-  
26 tions, suspensions or termination pursuant to K.S.A. 75-2949e or 75-  
27 2949f, and amendments thereto.

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

32 (e) "Safety sensitive positions" means state law enforcement officers  
33 who are authorized to carry firearms and all persons employed within a  
34 correctional institution as defined in K.S.A. 21-3826, and amendments  
35 thereto, or a juvenile correctional facility, as defined in K.S.A. 38-1602,  
36 and amendments thereto.

37 (f) The program established in this section shall be in addition to the  
38 program established in K.S.A. 75-4362, and amendments thereto.

39 Sec. 2. (a) The head of the county or city law enforcement agency  
40 shall establish and implement a random drug testing program for such  
41 agency's safety sensitive positions.

42 (b) The head of the agency shall adopt such policies as necessary to  
43 carry out the provisions of this section.

1 (c) No person shall be terminated solely due to positive results of a  
2 test administered as a part of a program authorized by this section if:

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

5 (2) the employee undergoes a drug evaluation and successfully com-  
6 pletes any education or treatment program recommended as a result of  
7 the evaluation. Nothing herein shall be construed as prohibiting demo-  
8 tions, suspensions or termination pursuant to county ordinances or city  
9 resolutions.

10 (d) The results of any test administered as part of a program author-  
11 ized by this section shall be confidential and shall not be disclosed  
12 publicly.

13 (e) “Safety sensitive positions” means the county or city law enforce-  
14 ment officers who are authorized to carry firearms and all persons em-  
15 ployed within a jail or lockup facility managed by the county or city.

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

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