

HOUSE BILL No. 2933

AN ACT concerning state officers and employees; relating to the drug screening program for certain state officers and employees and certain applicants for state employment; amending K.S.A. 2001 Supp. 75-4362 and repealing the existing section; also repealing K.S.A. 75-4363.

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

Section 1. K.S.A. 2001 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 *safety sensitive* position shall be required to submit to a test as a part of ~~such~~ *this* program unless the applicant is first given a conditional offer of employment.

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

(1) The office of governor, lieutenant governor or attorney general ~~or;~~

(2) ~~any safety sensitive positions in state government, based upon reasonable suspicion of illegal drug use by any such person;~~ *position;*

(3) ~~any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;~~

(4) ~~any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto;~~

(5) ~~any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto; or~~

(6) ~~any employee of a state veteran's home operated by the Kansas commission on veteran's affairs as described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., and amendments thereto.~~

(~~b~~) (~~c~~) 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~~ a *safety sensitive* position.

(~~c~~) (~~d~~) 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~~) (~~e~~) 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.

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

(~~f~~) (~~g~~) "Safety sensitive positions" means *the following:*

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

(2) all state corrections officers; ~~juvenile correctional facility staff;~~

(3) all state parole officers;

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

(5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 21-3826, and amendments thereto;

(6) all employees of a juvenile correctional facility, as defined in K.S.A. 38-1602, and amendments thereto; and

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

(~~g~~) All persons employed within a correctional institution, as defined in K.S.A. 21-3826, and amendments thereto, or a juvenile correctional

~~facility, as defined in K.S.A. 38-1602, and amendments thereto, may be subject to drug screening based upon reasonable suspicion of illegal drug use.~~

Sec. 2. K.S.A. 75-4363 and K.S.A. 2001 Supp. 75-4362 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body

\_\_\_\_\_  
HOUSE concurred in  
SENATE amendments \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*