

SENATE BILL No. 242

By Committee on Ways and Means

2-17

1 AN ACT concerning public officers and employees; relating to drug screening
2 programs; adding Kansas commission on veterans affairs office employees to
3 list of safety sensitive positions; amending K.S.A. ~~2014~~ **2015** Supp. 75-4362
4 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. ~~2014~~ **2015** Supp. 75-4362 is hereby amended to read as
8 follows: 75-4362.(a) The director of the division of personnel services of the
9 department of administration shall have the authority to establish and implement
10 a drug screening program for persons taking office as governor, lieutenant
11 governor, attorney general or members of the Kansas senate or house of
12 representatives and for applicants for safety sensitive positions in state
13 government, but no applicant for a safety sensitive position shall be required to
14 submit to a test as a part of this program unless the applicant is first given a
15 conditional offer of employment.

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

- 19 (1) The office of governor, lieutenant governor or attorney general;
20 (2) members of the Kansas senate or house of representatives;
21 (3) any safety sensitive position;

22 (4) any position in an institution of mental health, as defined in K.S.A. 76-
23 12a01, and amendments thereto, that is not a safety sensitive position;

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

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

28 (7) any employee of a state veteran's home operated by the director of the
29 Kansas commission on veterans affairs office as described in K.S.A. 76-1901 et
30 seq. and K.S.A. 76-1951 et seq., and amendments thereto.

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

35 (d) Except for a person who has access to a secured biological laboratory in
36 the office of laboratory services of the department of health and environment, no

1 person shall be terminated solely due to positive results of a test
2 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
6 completes any education or treatment program recommended as a result of
7 the evaluation. Nothing herein shall be construed as prohibiting demotions,
8 suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and
9 amendments thereto.

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

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

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

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

19 (2) all state corrections officers;

20 (3) all state parole officers;

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

23 (5) all employees with access to secure facilities of a correctional
24 institution, as defined in K.S.A.—~~2014~~ **2015** Supp. 21-5914, and
25 amendments thereto;

26 (6) all employees of a juvenile correctional facility, as defined in
27 K.S.A.—~~2014~~ **2015** Supp. 38-2302, and amendments thereto;

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

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

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

36 Sec. 2. K.S.A.—~~2014~~ **2015** Supp. 75-4362 is hereby repealed.

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