

FIRST REGULAR SESSION

HOUSE BILL NO. 1079

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FUNDERBURK (Sponsor), JONES (89), TILLEY, ZERR,
ALLEN AND WILSON (130) (Co-sponsors).

2409L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 286, RSMo, by adding thereto one new section relating to the testing of controlled substances by the department of labor and industrial relations.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 286, RSMo, is amended by adding thereto one new section, to be known as section 286.400, to read as follows:

286.400. 1. The department of labor and industrial relations shall develop a program to screen and test for controlled substances each worker who works on a public works project under chapter 34, RSMo, on a random basis, with ten percent of all workers on a project tested randomly each calendar month. Any worker on a public works project who is found to test positive for use of a controlled substance, which was not prescribed for such worker by a licensed healthcare provider, shall, after being afforded the right to an administrative hearing under the provisions of chapter 536, RSMo, be declared ineligible to perform further work on a public works project in the state of Missouri for a period of three years. The department of labor and industrial relations shall furthermore notify the employer of such worker who tested positive for the use of a controlled substance under this section, and if such employer refers such worker to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health, then, upon successful completion of such program, such worker may be allowed to return to work on a public works project prior to the expiration of such three-year period. Costs for attendance at such substance abuse treatment

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 program shall be borne by the employer or worker and not by the state or any of its
17 agencies or any political subdivision thereof.

18 **2. The department of labor and industrial relations shall promulgate rules to**
19 **implement the provisions of this section, which shall not be in violation of any applicable**
20 **federal law or regulation. Any rule or portion of a rule, as that term is defined in section**
21 **536.010, RSMo, that is created under the authority delegated in this section shall become**
22 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
23 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
24 **nonseverable and if any of the powers vested with the general assembly under chapter 536,**
25 **RSMo, to review, to delay the effective date, or to disapprove and annul a rule are**
26 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
27 **proposed or adopted after August 28, 2009, shall be invalid and void.**

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