

FIRST REGULAR SESSION

HOUSE BILL NO. 787

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ST. ONGE.

Read 1st time March 15, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2073L.011

AN ACT

To amend chapter 160, RSMo, by adding thereto one new section relating to drug testing of employees at or near a school.

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

Section A. Chapter 160, RSMo, is amended by adding thereto one new section, to be
2 known as section 160.782, to read as follows:

3 **160.782. 1. Any person or business entity or agents thereof who provide**
4 **construction services under contract within two thousand feet of a public or private**
5 **elementary or secondary school, public vocational school, or public or private junior**
6 **college, college, or university or any land grant university shall submit to a chemical test**
7 **for the purpose of determining the drug content of that person's blood prior to working**
8 **in such area.**

9 **2. A "verified positive test result" means a test result that was positive on an initial**
10 **Food and Drug Administration approved immunoassay test, confirmed by a gas**
11 **chromatography/mass spectrometry assay, or other confirmatory tests approved by the**
12 **department of health and human services and reviewed and verified by the medical review**
13 **officer.**

14 **3. "Medical review officer" means a licensed physician responsible for receiving**
15 **laboratory results who has knowledge of substance abuse disorders and appropriate**
16 **medical training to interpret and evaluate all positive test results together with a tested**
17 **individual's medical history and any other relevant biomedical information.**

18 **4. Drug and alcohol tests may be waived when the applicant can provide, upon hire or**

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.

17 transfer, a negative drug or alcohol test result which has been conducted by a National Institute
18 of Drug Abuse certified laboratory. Such results shall only be acceptable if the substances tested
19 for meet or exceed applicable drug or alcohol testing requirements and the test has been
20 conducted within one hundred twenty days of the date the employee starts work on the property.
21 Such test results must be traceable to the collecting agency, the laboratory performing the tests,
22 and the medical review officer who verified the results.

23 5. Any individual subject to testing under this plan shall be permitted to provide urine
24 specimens in private, in a restroom stall or similar enclosure so that the employee is not observed
25 while providing the sample. Collection site personnel of the same gender as the individual
26 tested, however, may observe the individual providing the urine specimen when such personnel
27 have reason to believe the individual may alter or substitute the specimen to be provided.
28 Collection site personnel may have reason to believe that a particular individual may alter or
29 substitute the specimen to be provided when the individual:

30 (1) Previously has been found to have tested positive for an illegal drug; or

31 (2) Previously has tampered with a sample.

32 6. After an individual yields a verified positive test, a contractor shall not allow such a
33 person to work on the school project and may:

34 (1) Take appropriate personnel action against such employee up to and including
35 termination; and

36 (2) Require such employee to satisfactorily participate in a drug abuse assistance or
37 rehabilitation program approved for such purposes by a federal, state, or local health, law
38 enforcement, or other appropriate agency.