

SECOND REGULAR SESSION

HOUSE BILL NO. 1646

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CHAPPELLE NADAL (Sponsor), PARKER,
BOGETTO AND McGHEE (Co-sponsors).

Read 1st time February 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4916L.01I

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to drug testing of certain state elected officials, officers, and managerial employees.

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

Section A. Chapter 105, RSMo, is amended by adding thereto one new section, to be
2 known as section 105.007, to read as follows:

**105.007. 1. Prior to taking office and once every two years thereafter, all state
2 elected officials, state executive branch managerial staff, and all officers and leadership
3 staff of the Missouri house of representatives and senate shall be subject to chemical testing
4 of their blood or urine for the purpose of determining the drug content of the blood. The
5 costs of such testing shall be paid by official, officer, or staff member. Prior to such
6 chemical testing, each official, officer, or staff member shall be informed that the results
7 of such testing may be made available to the public upon request. Any official, officer, or
8 staff member who agrees to such chemical testing shall be deemed to have consented to the
9 release of the results of such testing to the public upon request as authorized in subsection
10 3 of this section and no cause of action shall arise under the federal Health Insurance
11 Portability and Accountability Act with regard to such release of the testing results.**

**12 2. Chemical tests of the person's blood, or urine to be considered valid shall be
13 performed according to methods and devices approved by the state department of health
14 and senior services and shall be performed by licensed medical personnel or by a person**

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.

15 possessing a valid permit issued by the state department of health and senior services for
16 this purpose. A blood test shall not be performed if the medical personnel, in good faith
17 medical judgment, believe such procedure would endanger the health of the person.

18 **3. Upon request of the person tested, full information concerning the test shall be**
19 **made available to such person. The results of any chemical test performed under this**
20 **section shall be made available to the public upon request.**

21 **4. No person administering a chemical test under this section or any other person,**
22 **firm or corporation with whom such person is associated shall be civilly liable for damages**
23 **to the person tested except for negligence or by willful or wanton act or omission.**

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