

SECOND REGULAR SESSION

HOUSE BILL NO. 1803

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor), JONES (89), FUNDERBURK,
NIEVES, DIECKHAUS, RUESTMAN, WELLS, KRAUS, CHAPPELLE-NADAL,
DOUGHERTY AND KOENIG (Co-sponsors).

3843L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 168, RSMo, by adding thereto one new section relating to drug testing of school employees.

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

Section A. Chapter 168, RSMo, is amended by adding thereto one new section, to be
2 known as section 168.705, to read as follows:

**168.705. 1. The board of education of any school district shall adopt a policy,
2 pursuant to rules and regulations adopted by the department of elementary and secondary
3 education, for the random and for-cause testing of the school district's teachers and other
4 employees, and for the testing of potential new employees as a condition of employment,
5 for the unlawful use of controlled substances, as that term is defined in section 195.010.**

**6 2. Any teacher or other employee who tests positive for unlawful use of a controlled
7 substance shall be immediately terminated from employment with the district.**

**8 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is
9 created under the authority delegated in this section shall become effective only if it
10 complies with and is subject to all of the provisions of chapter and, if applicable, section
11 536.028. This section and chapter 536 are nonseverable and if any of the powers vested
12 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or
13 to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
14 rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be
15 invalid and void.**

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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.