

SECOND REGULAR SESSION

HOUSE BILL NO. 2326

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor),
KINGERY AND BIVINS (Co-sponsors).

4029L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to drug testing of faculty and employees of public institutions of higher education.

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

Section A. Chapter 173, RSMo, is amended by adding thereto one new section, to be known as section 173.1165, to read as follows:

173.1165. 1. The governing board of any public institution of higher education in the state shall adopt a policy for the random and for-cause testing of the institution's professors, faculty, staff, and other employees, and for the testing of potential new employees as a condition of employment, for the unlawful use of controlled substances, as that term is defined in section 195.010.

2. Any policy adopted under subsection 1 of this section shall provide for a three-step process:

(1) For a first offense, suspension without pay for one week;

(2) For a second offense, suspension without pay while undergoing a substance abuse program, which may be provided under an employee assistance program. Refusal to participate in a substance abuse program shall be grounds for termination; and

(3) For a third offense, termination.

3. The department of higher education shall implement rules to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter and, if applicable,

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 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
18 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
19 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
20 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,**
21 **shall be invalid and void.**

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