

HOUSE \_\_\_\_\_ AMENDMENT NO. \_\_\_\_

Offered By

AMEND House Committee Substitute for House Bill Nos. 73 & 47, Page 1, Lines 2 through 3 of the title, by deleting the words, “illegal drug use of applicants and recipients of temporary assistance for needy families benefits” and inserting in lieu thereof the words, “drug testing”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“105.012. 1. Before taking office and once every two years thereafter, all state elected officials shall be subject to chemical testing of their blood or urine for the purpose of determining the drug content of the blood. The costs of such testing shall be paid by such official.

2. To be considered valid, chemical tests of the person's blood or urine shall be performed according to methods and devices approved by the state department of health and senior services, and shall be performed by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose. A blood test shall not be performed if the medical personnel, in good faith medical judgment, believe such procedure would endanger the health of the person.

3. Upon request of the person tested, full information concerning the test shall be made available to the person.

4. Refusal to submit to a drug test as authorized under this section is an admission that the member of the general assembly has taken a controlled substance without legal authorization. A member who refuses to submit to a drug test under this section shall be subject to any sanction authorized by law or rule of the respective house of the general assembly.

5. An official who tests positive for drugs that have not been lawfully prescribed or based

1 on the testing has been shown to have abused the use of drugs that were otherwise lawfully  
2 prescribed shall participate in a drug treatment program. An official who tests positive for drugs  
3 under such circumstances and who fails to participate in a drug treatment program shall be subject  
4 to any sanction authorized by law or rule of the respective official.

5 6. For purposes of this section, "drug" means marijuana, any narcotic drug or controlled  
6 substance as defined in chapter 195, RSMo, or the metabolite of any such substance."

7 7. No person administering a chemical test under this section or any other person, firm, or  
8 corporation with whom such person is associated shall be civilly liable for damages to the person  
9 tested except for negligence or by willful or wanton act or omission."; and  
10

11 Further amend said bill by amending the title, enacting clause, and intersectional references  
12 accordingly.