

FIRST REGULAR SESSION

# SENATE BILL NO. 492

93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATORS KENNEDY AND GREEN.

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

TERRY L. SPIELER, Secretary.

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## AN ACT

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

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

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

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

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

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

**4. Any individual subject to testing under this plan shall be permitted to provide urine specimens in private, in a restroom stall or similar enclosure so that the employee is not observed while providing the sample. Collection site personnel of the same gender as the individual tested, however, may observe the individual**

providing the urine specimen when such personnel have reason to believe the individual may alter or substitute the specimen to be provided. Collection site personnel may have reason to believe that a particular individual may alter or substitute the specimen to be provided when the individual:

- (1) Previously has been found to have tested positive for an illegal drug; or
- (2) Previously has tampered with a sample.

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

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

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

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