

BILL SUMMARY
1st Session of the 53rd Legislature

Bill No.:	HB 2033
Version:	Committee Substitute
Request Number:	7057
Author:	Rep. Sullivan
Date:	3/14/2011
Impact:	\$0

Research Analysis

The Committee Substitute for HB 2033 modifies provisions of the Standards for Workplace Drug and Alcohol Testing Act. The measure removes several definitions from the Act and amends the following definitions: confirmation test, drug or alcohol test, employee, sample, and testing facility. HB 2033 also modifies the circumstances under which an employer may request or require drug or alcohol testing, including provisions related to applicant testing, for-cause testing, post-accident testing, random testing, scheduled, periodic testing, and post-rehabilitation testing. The bill also amends provisions related to an employer's written policy on drug or alcohol testing. According to the HB 2033, an employer no longer needs to provide 30 days notice to employees when implementing a drug or alcohol testing policy, but all employers must deliver a copy of the policy to each employee when it is implemented; the measure modifies some of the ways in which the employer may deliver the policy. The bill also changes provisions related to the authorized times for testing.

HB 2033 also modifies provisions related to authority of the State Board of Health, as well as language related to testing facilities and testing standards. The measure authorizes certain employer policies related to testing by another method reasonably calculated to detect the presence of drugs or alcohol. The bill also amends language related to sample collection and testing and modifies provisions related to confidentiality, the use of test results, and acceptable employer actions based upon positive test results.

HB 2033 repeals the following sections of the Standards for Workplace Drug and Alcohol Testing Act: Section 561 stipulates that drug or alcohol testing will not be requested or required of an employee unless the employer provides an employee assistance program, Section 564 discusses compliance with the Act, and Section 565 outlines punishments for violations of the Act. The measure amends the statute of limitations and certain remedies in Section 563, and imposes an evidentiary standard within this section.

Prepared By: Alexandra Edwards

Fiscal Analysis

HB 2033 in its current form modifies the Workplace Drug and Alcohol Testing Act. Officials from the State Department of Health (OSDH), identify no costs associated with the measure other than the minimal cost of promulgating administrative rules. HB 2033 is anticipated to have no direct fiscal impact on the state budget or appropriations.

Prepared By: John McPhetridge

Other Considerations

N/A