

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1354

By: Cooksey

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5
6 AS INTRODUCED

7 An Act relating to labor; amending 40 O.S. 2011,
8 Section 562, as amended by Section 21, Chapter 196,
9 O.S.L. 2012 (40 O.S. Supp. 2012, Section 562), which
10 relates to the Standards for Workplace Drug and
11 Alcohol Testing Act; providing for discharge for
12 misconduct; providing for proof of misconduct; and
13 providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 40 O.S. 2011, Section 562, as
16 amended by Section 21, Chapter 196, O.S.L. 2012 (40 O.S. Supp. 2012,
17 Section 562), is amended to read as follows:

18 Section 562. A. An employer's policy shall state the
19 disciplinary actions that may be taken upon a refusal to undergo a
20 drug or alcohol test or for a positive test for the presence of
21 drugs or alcohol.

22 B. An employer may take disciplinary action, up to and
23 including discharge, against an employee who refuses to undergo drug
24 or alcohol testing conducted in accordance with the provisions of

1 Section 551 et seq. of this title or who tests positive for the
2 presence of drugs or alcohol.

3 C. An employee discharged on the basis of a refusal to undergo
4 drug or alcohol testing or a positive drug or alcohol test shall be
5 considered to have been discharged for misconduct for purposes of
6 unemployment compensation benefits as provided for in Section 2-406A
7 of this title. In order to prove misconduct, the employer need only
8 provide proof of a testing policy and either a refusal to take a
9 drug or alcohol test or a positive test result.

10 D. Notwithstanding any provision of law for confidentiality of
11 drug or alcohol testing results, nothing in the Standards for
12 Workplace Drug and Alcohol Testing Act shall preclude an employer,
13 contracting with another employer, from sharing drug or alcohol
14 testing results of any tested person who works pursuant to such
15 contractual agreement.

16 SECTION 2. This act shall become effective November 1, 2013.

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18 54-1-5127 LRB 12/31/12

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