

By: Representative Jennings

To: Municipalities

HOUSE BILL NO. 1078

1 AN ACT TO AMEND SECTION 71-7-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE ANY GOVERNMENT EMPLOYER TO ADMINISTER A NEUTRAL
3 SELECTION DRUG AND ALCOHOL TEST TO ITS EMPLOYEES; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 71-7-7, Mississippi Code of 1972, is
7 amended as follows:

8 71-7-7. (1) Subject to the provisions of this chapter and
9 any applicable collective bargaining agreement or contract, any
10 nongovernment employer may require as a condition of employment or
11 as a condition of continued employment that employees submit to
12 neutral selection drug and alcohol testing.

13 (2) Subject to the provisions of this chapter, any
14 government employer, which includes municipalities, may require as
15 a condition of employment or as a condition of continued
16 employment that employees submit to neutral selection drug and
17 alcohol testing * * *.

18 * * *

19 (3) An employer may require an employee to submit to a drug
20 and alcohol test if the test is conducted as part of a routinely
21 scheduled employee fitness for duty medical examination that is
22 part of the employer's established policy and/or which is
23 scheduled routinely for all members of an employment
24 classification or group.

25 (4) An employer may require an employee to submit to neutral
26 selection or routine drug and alcohol tests if the employee in the
27 course of his employment enters a drug abuse rehabilitation
28 program, and as a follow-up to such rehabilitation, or if previous

29 drug and alcohol testing of the employee within a twelve-month
30 period resulted in a positive confirmed test result, or the drug
31 and alcohol test is conducted in accordance with the terms of an
32 applicable collective bargaining agreement or contract that
33 permits the employer to administer drug and alcohol tests on a
34 neutral selection or routine basis.

35 (5) If an employee is participating in drug abuse
36 rehabilitation, drug and alcohol testing may be conducted by the
37 rehabilitation provider as deemed appropriate by the provider.

38 **SECTION 2.** This act shall take effect and be in force from
39 and after July 1, 2007.