

**Adopted
AMENDMENT NO 2 PROPOSED TO**

House Bill No. 1135

BY: Representative Bain

1 **AMEND** after line 90 by inserting the following, and
2 renumbering the succeeding section:

3 "**SECTION 2.** (1) Any law enforcement officer, as defined by
4 Section 45-6-3, of this state or any political subdivision thereof
5 who is deemed based upon the results of a urine test of using
6 drugs in violation of the employer's policies or state law shall
7 be afforded the opportunity to undergo a second more
8 scientifically reliable test before such employee is terminated or
9 suspended without pay.

10 (2) (a) In the event a law enforcement officer is required
11 as a condition of employment to take a urine test for drug use and
12 the results of such test is positive, the officer may be relieved
13 of duty and placed on administrative leave with pay.



14 (b) The officer shall have two (2) days after being
15 officially notified in writing of such results to contest the test
16 results.

17 (c) If said officer does not contest the test results
18 within the two-day period, the employer may move forward with
19 appropriate disciplinary action.

20 (d) If the officer contests the test results, the
21 officer shall have five (5) days to appear at a certified
22 laboratory and voluntarily submit to the taking of a hair sample,
23 for the purpose of a hair follicle test for drug analysis.

24 (i) The hair follicle test shall initially be at
25 the expense of the officer, however, if the test result is
26 negative the officer shall be reimbursed the cost of the test by
27 the employer.

28 (ii) If the test result is positive the officer
29 shall bare the cost of the test.

30 (e) If the hair follicle test result is negative for
31 the drug(s) enumerated in the urine test report and thereby does
32 not support the findings of the urine test, then the urine test
33 results shall be declared a false positive, and the officer shall
34 be immediately placed back into his or her previous position of
35 employment."

36 **AMEND FURTHER** the title by inserting the following after the
37 semicolon on line 7:

38 "TO PROVIDE THAT ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR ANY
39 POLITICAL SUBDIVISION THEREOF WHO IS DEEMED BASED UPON THE RESULTS
40 OF A URINE TEST OF USING DRUGS IN VIOLATION OF THE EMPLOYER'S
41 POLICIES OR STATE LAW SHALL BE AFFORDED THE OPPORTUNITY TO UNDERGO



42 A SECOND MORE SCIENTIFICALLY RELIABLE TEST BEFORE SUCH EMPLOYEE IS
43 TERMINATED OR SUSPENDED WITHOUT PAY"

