

Effective 5/10/2016

34-41-102 Governmental drug-free workplace policies.

- (1) Any local governmental entity or state institution of higher education may establish workplace policies and procedures designed to:
 - (a) educate, counsel, and increase awareness of the dangers of drugs; and
 - (b) prohibit and discourage the detrimental use of drugs among its various classes of employees and volunteers.
- (2) A local governmental entity or state institution of higher education may test employees, volunteers, prospective employees, and prospective volunteers for the presence of drugs or their metabolites, in accordance with the provisions of this chapter, as a condition of hiring, continued employment, and voluntary services.
- (3) A drug-free workplace policy may include, but does not require, drug testing under the following circumstances:
 - (a) preemployment hiring or volunteer selection procedures;
 - (b) postaccident investigations;
 - (c) reasonable suspicion situations;
 - (d) preannounced periodic testing;
 - (e) rehabilitation programs;
 - (f) random testing in safety sensitive positions; or
 - (g) to comply with the federal Drug Free Workplace Act of 1988, 41 U.S.C. Sec. 8101 et seq., or other federally required drug policies.
- (4) This section may not be construed to prohibit local governmental entities or state institutions of higher education from establishing policies regarding other hazardous or intoxicating substances.

Amended by Chapter 348, 2016 General Session