

67-19-36 Drug testing of state employees.

- (1) Except as provided in Subsection (2), when there is reasonable suspicion that an employee is using a controlled substance or alcohol unlawfully during work hours, an employee may be required to submit to medically accepted testing procedures for a determination of whether the employee is using a controlled substance or alcohol in violation of this part.
- (2) In highly sensitive positions, as identified in department class specifications, random drug testing of employees may be conducted by an agency in accordance with the rules of the executive director.
- (3) All drug or alcohol testing shall be:
 - (a) conducted by a federally certified and licensed physician, a federally certified and licensed medical clinic, or testing facility federally certified and licensed to conduct medically accepted drug testing;
 - (b) conducted in accordance with the rules of the executive director made under Section 67-19-34; and
 - (c) kept confidential in accordance with the rules of the executive director made in accordance with Section 67-19-34.
- (4) A physician, medical clinic, or testing facility may not be held liable in any civil action brought by a party for:
 - (a) performing or failing to perform a test under this section;
 - (b) issuing or failing to issue a test result under this section; or
 - (c) acting or omitting to act in any other way in good faith under this section.

Amended by Chapter 139, 2006 General Session