

**S.B. 125**  
**CONFIDENTIALITY OF DRUG TESTING**

Senator **Paula F. Julander** proposes the following amendments:

1. *Page 1, Lines 11 through 17:*

- 11 This bill:
- 12 ▶ requires disclosure to the Division of Occupational and Professional Licensing and the  
Department of Health of
- 13 drug or alcohol test-related information concerning health care providers;
- 14 ▶ explains when the Division of Occupational and Professional Licensing and the Department  
of Health may use the
- 15 information in an action;
- 16 ▶ allows the Division of Occupational and Professional Licensing and the Department of  
Health to examine the
- 17 employer as a witness regarding the information; and

2. *Page 2, Lines 45 through 54:*

- 45 (3) Test-related information:
- 46 (a) shall be disclosed :
- 47 (i) to the Division of Occupational and Professional Licensing as  
required under Subsection 58-13-5(3); and  
(ii) to the Department of Health pursuant to Section 26-8a-302 for people certified under  
Section 26-8a-302; and
- 48 (b) may be used in a proceeding related to:
- 49 (i) an action taken by the Division of Occupational and Professional Licensing under  
Section 58-1-401 when the Division of Occupational and Professional Licensing is taking  
action in whole or in part on the basis of test-related information disclosed under Subsection  
(3)(a);
- 50 (ii) an action taken by the Department of Health under Section 26-8a-503 when the Department  
of Health is taking action in whole or in part on the basis of test-related information disclosed under  
Subsection (3)(a);
- 51 (iii) an action taken by an employer under Section 34-38-8; or
- 52 (iv) an action under Section 34-38-11.

3. *Page 3, Lines 59 through 64:*

59            ~~(4)~~ (6) An employer may not be examined as a witness with regard to ~~the~~  
60 test-related information ~~[described in Subsection (1)]~~, except:  
61            (a) in a proceeding related to an action taken by the employer under Section 34-38-8  
62 ~~[or]~~;  
63            (b) in an action under Section 34-38-11[-]; or  
64            (c) in an action described in Subsection (3)(b)(i) ~~or (3)(b)(ii)~~ .