

HOUSE BILL No. 2725

By Committee on Judiciary

Requested by Mark Hermes

2-5

AN ACT concerning public officers and employees; relating to drug screening; requiring the director of the division of personnel services of the department of administration to add judges of the district court to the state drug screening program; amending K.S.A. 2025 Supp. 75-4362 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2025 Supp. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall ~~have the authority to~~ establish and implement a drug screening program for:

(1) Persons taking office as governor, lieutenant governor, attorney general ~~or members~~, *member* of the Kansas senate or house of representatives, *or judge of the district court; and for*

(2) applicants for *any* safety sensitive ~~positions~~ *position* in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.

(b) The director also shall ~~have the authority to~~ establish and implement a drug screening program based upon a reasonable suspicion of illegal drug use by any person currently holding one of the following positions or offices:

(1) The office of governor, lieutenant governor or attorney general;

(2) ~~members~~ *member* of the Kansas senate or house of representatives;

(3) *judge of the district court;*

(4) any safety sensitive position;

(4)(5) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;

(5)(6) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto; or

(6)(7) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto.

(c) Any public announcement or advertisement soliciting applications

1 for employment in a safety sensitive position in state government shall
2 include a statement of the requirements of the drug screening program
3 established under this section for applicants for and employees holding a
4 safety sensitive position.

5 (d) *(1)* Except for a person who has access to a secured biological
6 laboratory in the office of laboratory services of the department of health
7 and environment, ~~no~~ a person shall *not* be terminated solely due to positive
8 results of a test administered as a part of a program ~~authorized by~~
9 *established under* this section if *the person*:

10 ~~(1)(A) The employee~~ Has not previously had a valid positive test
11 result; and

12 ~~(2)(B) the employee~~ undergoes a drug evaluation and successfully
13 completes any education or treatment program recommended as a result of
14 the evaluation.

15 (2) Nothing ~~herein~~ *in this section* shall be construed as prohibiting
16 demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or
17 75-2949f, and amendments thereto.

18 (e) Except in hearings before the state civil service board regarding
19 disciplinary action taken against the employee, the results of any test
20 administered as a part of a program ~~authorized by~~ *established under* this
21 section shall be confidential and shall not be disclosed publicly.

22 (f) The secretary of administration may adopt such rules and
23 regulations as necessary to carry out the provisions of this section.

24 (g) *As used in this section, "safety sensitive ~~positions~~ position"* means
25 the following:

26 (1) All state law enforcement officers who are authorized to carry
27 firearms;

28 (2) all state corrections officers;

29 (3) all state parole officers;

30 (4) heads of state agencies who are appointed by the governor and
31 employees on the governor's staff;

32 (5) all employees with access to secure facilities of a correctional
33 institution, as defined in K.S.A. 21-5914, and amendments thereto;

34 (6) all employees of a juvenile correctional facility, as defined in
35 K.S.A. 38-2302, and amendments thereto;

36 (7) all employees within an institution of mental health, as defined in
37 K.S.A. 76-12a01, and amendments thereto, who provide clinical,
38 therapeutic or habilitative services to the clients and patients of those
39 institutions;

40 (8) all employees who have access to a secured biological laboratory
41 in the office of laboratory services of the department of health and
42 environment; and

43 (9) all employees of the Kansas office of veterans services.

1 Sec. 2. K.S.A. 2025 Supp. 75-4362 is hereby repealed.

2 Sec. 3. This act shall take effect and be in force from and after its
3 publication in the statute book.