

ASSEMBLY BILL NO. 557—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises the provisions governing preemployment drug testing for state employees. (BDR 23-1420)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to state employment; revising the provisions governing preemployment drug testing for state employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits the hiring of an applicant for a position in the classified
2 service that affects public safety unless the applicant first submits to a screening
3 test to detect the general presence of a controlled substance. (NRS 284.4066) This
4 bill would amend existing law to require all applicants for employment in the
5 classified and unclassified service of the State to submit to such a screening test.
6 This bill would not, however, require an applicant who is an employee at the time
7 of application to submit to a screening test unless: (1) the applicant has not
8 previously submitted to a screening test; and (2) the position being sought by the
9 employee affects public safety.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 284.4066 is hereby amended to read as
2 follows:

3 284.4066 1. ~~Each appointing authority shall, subject to the~~
4 ~~approval of the Commission, determine whether each of its~~
5 ~~positions of employment affects the public safety. The~~ *Except as*
6 *otherwise provided in subsection 2, an* appointing authority shall
7 not hire an applicant for ~~such~~ a position *in the classified or*



1 *unclassified service* unless ~~he~~ *the applicant first* submits to a
2 screening test to detect the general presence of a controlled
3 substance.

4 *2. An applicant who is an employee at the time of application*
5 *is not required to submit to a screening test pursuant to this*
6 *section unless:*

7 *(a) The applicant has not previously submitted to a screening*
8 *test; and*

9 *(b) The appointing authority deems the position of employment*
10 *for which the applicant is applying to be a position that affects*
11 *public safety.*

12 *3.* Notice of the provisions of this section must be given to
13 each applicant ~~for such a position~~ at or before the time of
14 application.

15 ~~2.~~ *4.* An appointing authority may consider the results of a
16 screening test in determining whether to employ an applicant. If
17 those results indicate the presence of a controlled substance, the
18 appointing authority shall not hire the applicant unless ~~he~~ *the*
19 *applicant* provides, within 72 hours after being requested by the
20 appointing authority, proof that ~~he~~ *the applicant* had taken the
21 controlled substance as directed pursuant to a current and lawful
22 prescription issued in ~~his~~ *the* name ~~f-~~
23 ~~3.~~ *of the applicant.*

24 *5.* An appointing authority shall, at the request of an applicant,
25 provide ~~him~~ *the applicant* with the results of his screening test.

26 **Sec. 2.** This act becomes effective on January 1, 2008.

