SUMMARY—Revises provisions relating to screening tests for certain applicants for public employment. (BDR 23-129)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

Effect on the State Highway Fund: No.

AN ACT relating to public employment; revising provisions relating to screening tests for applicants for positions of employment that affect the public safety; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits an appointing authority from hiring an applicant for a position of employment that affects the public safety unless the applicant submits to a screening test to detect the general presence of a controlled substance. Existing law requires each appointing authority to determine, subject to the approval of the Human Resources Commission, which of its positions of employment affect the public safety. (NRS 284.4066) **Section 1** of this bill instead requires each appointing authority to obtain the approval of the Administrator of the Division of Human Resource Management of the Department of Administration when determining which positions of employment affect the public safety.

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

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

284.4066 1. Each appointing authority shall, subject to the approval of the ~~[Commission,]~~ ***Administrator,*** determine whether each of its positions of employment affects the public safety. The appointing authority shall not hire an applicant for such a position unless the applicant submits to a screening test to detect the general presence of a controlled substance. Notice of the provisions of this section must be given to each applicant for such a position at or before the time of application.

2. An appointing authority shall consider the results of a screening test in determining whether to employ an applicant. If those results indicate the presence of a controlled substance other than cannabis, the appointing authority shall not hire the applicant unless the applicant provides, within 72 hours after being requested, proof that the applicant had taken the controlled substance as directed pursuant to a current and lawful prescription issued in the applicant's name.

3. An appointing authority shall, at the request of an applicant, provide the applicant with the results of the applicant's screening test.

4. If the results of a screening test indicate the presence of a controlled substance, the appointing authority shall:

(a) Provide the Administrator with the results of the applicant's screening test.

(b) If applicable, inform the Administrator whether the applicant holds a valid registry identification card to engage in the medical use of cannabis pursuant to chapter 678C of NRS.

5. The Commission may adopt regulations relating to an applicant for a position which affects the public safety who tests positive for cannabis and holds a valid registry identification card to engage in the medical use of cannabis pursuant to chapter 678C of NRS.

Sec. 2. This act becomes effective on July 1, 2027.