

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1396

5 By: Representative Bentley
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For An Act To Be Entitled

8 AN ACT TO ALLOW A SCHOOL DISTRICT BOARD OF DIRECTORS
9 TO IMPLEMENT A DRUG SCREENING REQUIREMENT FOR AN
10 APPLICANT OR CURRENT EMPLOYEE OF A PUBLIC SCHOOL
11 DISTRICT; AND FOR OTHER PURPOSES.
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Subtitle

14 TO ALLOW A SCHOOL DISTRICT BOARD OF
15 DIRECTORS TO IMPLEMENT A DRUG SCREENING
16 REQUIREMENT FOR AN APPLICANT OR CURRENT
17 EMPLOYEE OF A PUBLIC SCHOOL DISTRICT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 6, Chapter 16, Subchapter 1, is amended
24 to add an additional section to read as follows:

25 6-17-121. Pre-employment and random drug screening.

26 (a) As used in this section:

27 (1) "Drug" means the same as defined in § 5-64-101;

28 (2) "Drug screening" means a chemical test administered for the
29 purpose of determining the presence or absence of a drug in an individual's
30 blood, breath, or urine;

31 (3) "Employee" means an individual who is currently employed at
32 a public prekindergarten through grade twelve (preK-12) school district; and

33 (4) "Positive drug screening result" means a finding of the
34 presence of a drug in the sample tested during an individual's drug screening
35 test.

36 (b) A school district board of directors may implement a policy that



1 requires one (1) or more of the following:

2 (1) Pre-employment drug screening of an individual who applies
3 for employment at a public school district; or

4 (2) Random drug screening of current employees.

5 (c) In the case of a positive drug screening result from a random drug
6 screening of a current employee under this section, a school district may
7 implement disciplinary actions that include without limitation the:

8 (1) Immediate dismissal of the employee;

9 (2) Requirement that the employee goes on temporary leave; or

10 (3) Requirement that the employee enters a drug treatment
11 program.

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14 **APPROVED: 3/6/19**
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