

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1396

By: Representative Bentley

## For An Act To Be Entitled

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

## Subtitle

TO ALLOW A SCHOOL DISTRICT BOARD OF DIRECTORS TO IMPLEMENT A DRUG SCREENING REQUIREMENT FOR AN APPLICANT OR CURRENT EMPLOYEE OF A PUBLIC SCHOOL DISTRICT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 16, Subchapter 1, is amended to add an additional section to read as follows:

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

(a) As used in this section:

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

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

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

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

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



requires one (1) or more of the following:

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

(2) Random drug screening of current employees.

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

(1) Immediate dismissal of the employee;

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

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

**APPROVED: 3/6/19**