

SENATE FILE NO. SF0129

Hospital employees-drug and alcohol testing.

Sponsored by: Senator(s) Laursen, D, McKeown, Olsen and
Smith, D and Representative(s) Angelos,
Hoelt, Rodriguez-Williams, Strock and Webber

A BILL

for

1 AN ACT relating to public health and safety; requiring a
2 drug and alcohol testing program for all hospital employees
3 and potential employees holding or seeking positions
4 requiring safety sensitive duties; providing drug and
5 alcohol counseling as specified; clarifying that the use of
6 marijuana by hospital employees remains unlawful; amending
7 and providing definitions; requiring rulemaking; and
8 providing for effective dates.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

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12 **Section 1.** W.S. 35-2-915 is created to read:

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14 **35-2-915. Hospital employee drug and alcohol testing**
15 **program; requirements.**

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2 (a) As a condition of licensure through the
3 department, each hospital in the state shall utilize:

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5 (i) A random drug and alcohol testing program
6 for its employees and potential employees who hold or are
7 seeking positions requiring safety sensitive duties, the
8 requirements of which shall be determined by the
9 department;

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11 (ii) The Wyoming professional assistance program
12 for employees who test positive for drugs or alcohol as an
13 alternative to disciplinary action, when doing so is
14 determined to be the appropriate approach by hospital
15 administration. If an employee tests positive for drugs or
16 alcohol and is allowed to utilize the Wyoming professional
17 assistance program, the employee shall:

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19 (A) Immediately be removed from safety
20 sensitive duties;

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22 (B) Be evaluated by a qualified substance
23 abuse counselor;

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2 (C) Complete any counseling or other
3 treatment recommended by the substance abuse counselor;

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5 (D) Have a negative drug and alcohol test
6 before returning to any safety sensitive duties;

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8 (E) Following the successful completion of
9 a treatment program through the Wyoming professional
10 assistance program for a positive drug or alcohol test, any
11 subsequent positive drug and alcohol test result
12 administered to an employee shall be reported to the
13 department, who shall report the positive drug and alcohol
14 test to the appropriate licensing board for determination
15 of the person's further licensure within the state.

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17 (b) The department shall monitor compliance with the
18 random drug and alcohol testing program through the
19 department's health care facility licensure and survey
20 process.

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1 (c) Drugs, for purposes of this section, are defined
2 as those scheduled controlled substances listed within W.S.
3 35-1-1014 through 35-7-1022.

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5 (d) Drugs, excluding schedule 1 drugs under W.S.
6 35-7-1014, consumed as prescribed by a licensed health care
7 provider are not subject to the requirement of treatment
8 for a positive drug and alcohol test while the employee is
9 under the care of a licensed health care provider.

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11 (e) The use of marijuana remains unlawful under
12 federal and Wyoming law regardless of whether it has been
13 legalized or decriminalized for medicinal or recreational
14 purposes in any locality where an employee resides or
15 visits.

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17 **Section 2.** W.S. 35-2-901(a)(xxvii) is amended to
18 read:

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20 **35-2-901. Definitions; applicability of provisions.**

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22 (a) As used in this act:

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