

1 H.459

2 Introduced by Representative Brennan of Colchester

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; drug testing; law enforcement
6 employees

7 Statement of purpose of bill as introduced: This bill proposes to permit an
8 employer of a law enforcement employee to require that employee to take or
9 submit to a drug test at random or if the employer has a reasonable suspicion
10 that the employee is using or is under the influence of a drug.

11 An act relating to drug testing of law enforcement employees

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 21 V.S.A. § 513a is added to read:

14 § 513a. DRUG TESTING OF LAW ENFORCEMENT EMPLOYEES

15 (a) Notwithstanding the provisions of section 513 of this subchapter to the
16 contrary, an employer of a law enforcement employee:

17 (1) may require such an employee to take or submit to a drug test:

18 (A) at random; or

19 (B) when the employer or an agent of the employer has a reasonable
20 suspicion that the employee is using or is under the influence of a drug;

1 (2) shall administer any drug test to such an employee in accordance
2 with section 514 of this subchapter, except that notwithstanding any provisions
3 of subdivision (12) of that section to the contrary, the collector of a specimen
4 may be an employee of the employer;

5 (3) is not required to have available for such an employee tested a
6 rehabilitation program for alcohol or drug abuse; and

7 (4) may terminate such an employee if his or her drug test is positive.

8 (b) As used in this section, “law enforcement employee” means any law
9 enforcement officer, as that term is defined in 20 V.S.A. § 2358, and any
10 employee of an agency that employs law enforcement officers, including a
11 dispatcher, evidence custodian, or community service officer.

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on July 1, 2015.