

1 H.200

2 Introduced by Representatives Dickinson of St. Albans Town, Bancroft of
3 Westford, Browning of Arlington, Gamache of Swanton,
4 Gregoire of Fairfield, Higley of Lowell, Marcotte of Coventry,
5 Morrissey of Bennington, Page of Newport City, Rosenquist of
6 Georgia, Savage of Swanton, Shaw of Pittsford, Strong of
7 Albany, and Till of Jericho

8 Referred to Committee on

9 Date:

10 Subject: Labor; employment practices; drug testing

11 Statement of purpose of bill as introduced: This bill proposes to amend the
12 drug testing law to permit an employer to conduct a drug test if it has a
13 reasonable basis to believe that an employee is under the influence of a drug on
14 the job or that an employee caused an accident on the job that resulted in
15 damage.

16 An act relating to drug testing of employees

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

18 Sec. 1. 21 V.S.A. § 511 is amended to read:

19 § 511. DEFINITIONS

20 As used in this subchapter:

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(9) “Reasonable basis” means evidence drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience.

Sec. 2. 21 V.S.A. § 513 is amended to read:

§ 513. DRUG TESTING OF EMPLOYEES; PROHIBITIONS;
EXCEPTIONS

* * *

(c) Exception. Notwithstanding the prohibition in subsection (a) of this section, an employer may require an individual employee to submit to a drug test if all the following conditions are met:

(1) ~~Probable cause~~ Reasonable basis for drug testing or the occurrence of an accident. Either:

(A) ~~The~~ the employer or an agent of the employer has ~~probable cause~~ a reasonable basis to believe the employee is using or is under the influence of a drug on the job; or

(B) the employer or an agent of the employer has a reasonable basis to believe that the employee has caused or contributed to an accident resulting in personal injury or property damage during the course of employment.

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1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on July 1, 2019.