



February 21, 2001

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## HOUSE BILL No. 1201

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DIGEST OF HB 1201 (Updated February 20, 2001 12:21 PM - DI 96)

**Citations Affected:** IC 22-9.

**Synopsis:** Drug testing in the workplace. Prohibits an employer from using drug testing results solely to make hiring decisions or to take employee disciplinary action, if the only drugs detected are drugs taken under the supervision of, and in the manner prescribed by, a licensed health care professional. Places the burden of proof that any drugs detected were taken under the supervision of and in the manner prescribed by a licensed health care professional upon the job applicant or employee.

**Effective:** July 1, 2001.

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### Young D, Liggett

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January 9, 2001, read first time and referred to Committee on Labor and Employment.  
February 20, 2001, amended, reported — Do Pass.

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HB 1201—LS 6833/DI 102+



February 21, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1201

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A BILL FOR AN ACT to amend the Indiana Code concerning labor.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1           SECTION 1. IC 22-9-5-24.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]: **Sec. 24.5. (a) An employer may not use the results of drug  
4 testing solely to refuse to hire a job applicant or to discipline or  
5 terminate an employee if the only drugs detected by the drug  
6 testing are drugs taken by the applicant or employee under the  
7 supervision and in the manner prescribed by a licensed health care  
8 professional.**  
9           **(b) This section does not encourage, prohibit, or authorize the  
10 testing of job applicants or employees for the illegal use of drugs.**  
11           **(c) The burden of proof that the drugs detected were taken  
12 under the supervision of and in the manner prescribed by a  
13 licensed health care professional is upon the job applicant or  
14 employee.**

HB 1201—LS 6833/DI 102+



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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "A covered entity" and insert "**An employer**".

Page 1, line 4, after "testing" insert "**solely**".

Page 1, line 6, delete ":".

Page 1, line 7, delete "(1)".

Page 1, line 7, after "supervision" insert "**and in the manner prescribed by**".

Page 1, run in lines 6 through 7.

Page 1, line 8, delete "of".

Page 1, line 8, delete "professional; or" and insert "**professional**".

Page 1, delete lines 9 through 10.

Page 1, after line 12, begin a new paragraph and insert:

**"(c) The burden of proof that the drugs detected were taken under the supervision of and in the manner prescribed by a licensed health care professional is upon the job applicant or employee."**

and when so amended that said bill do pass.

(Reference is to HB 1201 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 10, nays 0.

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