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| PREVAILED          | Roll Call No. _____ |
| FAILED             | Ayes _____          |
| WITHDRAWN          | Noes _____          |
| RULED OUT OF ORDER |                     |

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1003 be amended to read as follows:

- 1 Page 2, between lines 24 and 25, begin a new paragraph and insert:
- 2 "SECTION 4. IC 20-51-1-4.3 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2011]: **Sec. 4.3. "Drug test" means a test that**
- 5 **contains at least a five (5) drug panel that tests for the following:**
- 6 **(1) Amphetamines.**
- 7 **(2) Cocaine.**
- 8 **(3) Opiates (2,000 ng/ml).**
- 9 **(4) PCP.**
- 10 **(5) THC.**
- 11 **A drug test described in this section must be performed at a United**
- 12 **States Department of Health and Human Services certified**
- 13 **laboratory, with specimen collection performed by a collector**
- 14 **certified by the United States Department of Transportation and**
- 15 **the cost of the drug test paid by the department."**
- 16 Page 2, line 37, delete "and".
- 17 Page 3, line 5, delete "IC 20-51-4." and insert "**IC 20-51-4; and**
- 18 **(6) is (if the child has not been placed in a foster home or**
- 19 **residential child care facility that is required to be licensed or**
- 20 **is licensed under IC 31-27) the child of custodial parents or**
- 21 **the ward of a guardian who the department finds has tested**
- 22 **negative for drugs after a drug test given on behalf of the**
- 23 **department."**
- 24 Page 5, line 6, delete "An" and insert "**(a) Subject to subsection**

1 (b), an".

2 Page 5, between lines 8 and 9, begin a new paragraph and insert:

3 **"(b) This subsection does not apply if the individual has been**  
 4 **placed in a foster home or residential child care facility that is**  
 5 **required to be licensed or is licensed under IC 31-27. An individual**  
 6 **is ineligible for a choice scholarship if the custodial parents or**  
 7 **guardian of the individual:**

8 (1) tested positive for drugs after a drug test given on behalf  
 9 of a prospective employer; or

10 (2) refused to submit to a drug test."

11 Page 8, after line 8, begin a new paragraph and insert:

12 **"Sec. 12. (a) This section does not apply if an individual has been**  
 13 **placed in a foster home or residential child care facility that is**  
 14 **required to be licensed or is licensed under IC 31-27.**

15 (b) An individual who is otherwise eligible for a choice  
 16 scholarship may be disqualified for the choice scholarship if the  
 17 custodial parents or guardian of the individual:

18 (1) is found to have tested positive for drugs after a drug test  
 19 is given on behalf of a prospective employer; or

20 (2) refuses to submit to a drug test;

21 after an offer of a choice scholarship has been made or as a  
 22 prerequisite to an offer of a choice scholarship. For purposes of  
 23 this chapter, the failure to report for a scheduled drug test does not  
 24 constitute a refusal to submit to a drug test unless the individual  
 25 scheduled to be tested fails to reschedule and submit to a  
 26 subsequent drug test not later than seventy-two (72) hours after the  
 27 original time and date the individual was required to submit to a  
 28 drug test.

29 (c) The department may establish procedures for an eligible  
 30 school to arrange for the drug tests required under this chapter.

31 An eligible school that:

32 (1) receives a report of a positive drug test that has been given  
 33 on behalf of the department; or

34 (2) is aware that an individual required to take a drug test has  
 35 refused to submit to a drug test that would be given on behalf  
 36 of the department;

37 shall immediately report the information in subdivision (1) or (2)  
 38 to the department.

39 (d) For purposes of this chapter, a drug test is not found to be  
 40 positive unless:

41 (1) a second confirmation test:

42 (A) renders a positive result that has been performed by a  
 43 SAMHSA (as defined in IC 22-10-15-3) certified  
 44 laboratory on the same sample used for the first screen test  
 45 using gas chromatography mass spectrometry for purposes  
 46 of confirming or refuting the screen test results; and

47 (B) has been reviewed by a licensed physician and:

- 1                   (i) the laboratory results described in clause (A);  
 2                   (ii) the individual's medical history; and  
 3                   (iii) other relevant biomedical information;  
 4                   confirm a positive result of the drug tests; or  
 5                   (2) the individual who has submitted to the drug test has no  
 6                   valid medical reason for testing positive for the substance  
 7                   found in the drug test.
- 8                   (e) Whenever the department receives a report under subsection  
 9                   (c) concerning an individual, the department shall provide written  
 10                  notice to the individual of the following:
- 11                  (1) That the department has received a report described in  
 12                  subsection (c) concerning the individual.  
 13                  (2) That the eligible individual may be disqualified for a  
 14                  choice scholarship under this section as the result of the  
 15                  report.  
 16                  (3) That the individual may appeal the report by requesting  
 17                  a hearing under IC 4-21.5-3.
- 18                  (f) An individual who is disqualified for a choice scholarship  
 19                  under subsection (a) may resume eligibility for a scholarship upon  
 20                  submission of a negative drug test to the department for the  
 21                  custodial parents or guardian of the individual.
- 22                  (g) The department shall adopt rules under IC 4-22-2 to  
 23                  effectuate this section to the extent authorized by federal law. The  
 24                  rules may include, but are not limited to, rules concerning:
- 25                  (1) the period of ineligibility for choice scholarships between  
 26                  the time that the drug test is given and a positive result is  
 27                  reported to the department;  
 28                  (2) the manner in which a subsequent negative drug test may  
 29                  be submitted to the department after a positive drug test has  
 30                  been reported;  
 31                  (3) any penalty against an eligible school that does not report  
 32                  the information in subsection (c); and  
 33                  (4) the manner by which a report of a false positive drug test  
 34                  may be appealed.
- 35                  (h) An individual filing for a choice scholarship shall be advised  
 36                  that the individual may be disqualified for the choice scholarship  
 37                  if the custodial parents or guardian of the individual:
- 38                  (1) is found to have a positive drug test after a drug test is  
 39                  given on behalf of a prospective employer; or  
 40                  (2) refuses to submit to a drug test;

1 **after an offer of a choice scholarship has been made or as a**  
2 **prerequisite to an offer of a choice scholarship."**

3 Renumber all SECTIONS consecutively.  
(Reference is to HB 1003 as printed February 18, 2011.)

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Representative VanDenburgh