

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

400Q0200

## SENATE BILL NO. 51

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to provide for a drug screening program for certain  
2 applicants and employees of the Wildland Fire Suppression Division.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 41-20 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The commissioner of the Bureau of Personnel shall establish and implement a drug  
7 screening program for applicants seeking positions in the Department of Agriculture, Wildland  
8 Fire Suppression Division whose duties include firefighting. In addition, the commissioner may  
9 establish and implement a drug screening program for employees holding positions in the  
10 Department of Agriculture, Wildland Fire Suppression Division whose duties include  
11 firefighting, based upon reasonable suspicion of illegal drug use by any employee.

12 Section 2. Any printed public announcement or advertisement soliciting applications for  
13 employment at the Department of Agriculture, Wildland Fire Suppression Division for a  
14 position in which the duties include firefighting, shall include a statement of the requirements  
15 of the drug screening program established pursuant to this Act.



1       Section 3. Individual test results and medical information collected pursuant to this Act are  
2 confidential. This information may be revealed only as authorized by the commissioner of the  
3 Bureau of Personnel. An applicant or employee may have access to the applicant's or employee's  
4 information or test results, upon written request to the commissioner.

5       Section 4. Except as provided in section 3 of this Act, any person responsible for recording,  
6 reporting, or maintaining medical information required pursuant to the provisions of this Act  
7 who knowingly or intentionally discloses or fails to protect medical information declared to be  
8 confidential under section 3 of this Act, or who compels another person to disclose such medical  
9 information, is guilty of a Class 2 misdemeanor.

10       Section 5. The commissioner of the Bureau of Personnel may promulgate rules, pursuant  
11 to chapter 1-26, necessary to carry out the provisions of this Act with regard to:

- 12       (1)   Listing of positions whose duties include firefighting;
- 13       (2)   Substances to be screened;
- 14       (3)   Drug screening procedures for applicants for positions at the Department of  
15            Agriculture, Wildland Fire Suppression Division, whose duties include firefighting;
- 16       (4)   Drug screening procedures for employees at the Department of Agriculture, Wildland  
17            Fire Suppression Division, whose duties include firefighting;
- 18       (5)   Procedures for collecting, analyzing, and evaluating test samples;
- 19       (6)   Confidentiality of testing procedures;
- 20       (7)   Referral for education or treatment; and
- 21       (8)   Consequences that may result from valid positive test results or from failure to  
22            submit to a test.