



2020 South Dakota Legislature

House Bill 1039

Introduced by: The Committee on Commerce and Energy at the request of the Bureau of Human Resources

1 **An Act to revise the rule-making authority of the Human Resources Commissioner**
 2 **regarding the drug screening program for certain state employees.**

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

4 **Section 1.** That § 3-6F-5 be AMENDED:

5 **3-6F-5. Promulgation of rules.**

6 The human resources commissioner may promulgate rules, pursuant to chapter 1-
 7 26, necessary to carry out the provisions of this chapter with regard to:

- 8 (1) Listing of positions whose primary duty includes patient or resident care or
 9 supervision; safety-sensitive positions; and positions at the Department of
 10 Agriculture, Division of Wildland Fire, whose duties include firefighting;
 11 (2) Substances to be screened;
 12 (3) Drug screening procedures;
 13 (4) Procedures for collecting, analyzing, and evaluating test samples;
 14 (5) Confidentiality of testing procedures;
 15 (6) Referral for education or treatment; and
 16 (7) Consequences that may result from valid positive test results or from failure to
 17 submit to a test.