



2020 South Dakota Legislature  
**House Bill 1039**  
**ENROLLED**

AN ACT

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

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

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

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

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

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

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

I certify that the attached Act originated in the:  
House as Bill No. 1039

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1039  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2020 at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2020

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 2020  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State