

## AN ACT

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

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

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

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

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

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

Section 4. Except as provided in section 3 of this Act, any person responsible for recording, reporting, or maintaining medical information required pursuant to the provisions of this Act who knowingly or intentionally discloses or fails to protect medical information declared to be confidential under section 3 of this Act, or who compels another person to disclose such medical

information, is guilty of a Class 2 misdemeanor.

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

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

An Act to provide for a drug screening program for certain applicants and employees of the Wildland Fire Suppression Division.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 51

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

Attest:

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

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

Attest:

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

Senate Bill No. 51  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor  
=====

STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

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

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