

SENATE FILE NO. SF0104

Workforce services-voluntary drug testing.

Sponsored by: Senator(s) Jennings

A BILL

for

1 AN ACT relating to workforce services; providing for  
2 voluntary drug testing of workforce development program  
3 participants; providing for reimbursement by employers;  
4 providing for rules and regulations; providing a continuous  
5 appropriation; providing an appropriation; and providing  
6 for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 9-2-2608 is created to read:

11

12 **9-2-2608. Workforce services voluntary drug testing**  
13 **account established.**

14

15 (a) There is established the Wyoming workforce  
16 services voluntary drug testing account. The state  
17 treasurer shall invest available revenues in the account in

1 accordance with law, and earnings from those investments  
2 shall be credited to the account. Amounts received from  
3 employers pursuant to W.S. 9-2-2601(k)(ii) shall be  
4 deposited in the account. The revenues in the account are  
5 continuously appropriated to the department of workforce  
6 services to be expended as provided in this section.

7  
8 (b) Revenues in the Wyoming workforce services  
9 voluntary drug testing account may be expended to  
10 administer a program of voluntary drug testing of workforce  
11 services participants as provided in W.S. 9-2-2601(k).

12  
13 (c) Expenditures from the workforce services voluntary  
14 drug testing account for purposes authorized in subsection  
15 (b) of this section shall be approved by the director of  
16 the department of workforce services based on procedures  
17 and criteria established by regulations. The director of  
18 the department of workforce services shall report annually  
19 to the governor and the legislature on the expenditures  
20 made from the workforce services voluntary drug testing  
21 account in the preceding fiscal year and the amounts  
22 received from employers and deposited in the account.

23  
24 **Section 2.** W.S. 9-2-2601 by creating a new subsection

1 (k) is amended to read:

2

3 **9-2-2601. Department of workforce services; duties**  
4 **and responsibilities; agreements with other agencies**  
5 **authorized; definition.**

6

7 (k) The department shall establish and administer by  
8 rule and regulation a program for voluntary drug testing of  
9 workforce services participants that includes the  
10 following:

11

12 (i) The decision to participate in the voluntary  
13 drug testing program shall be at the discretion of the  
14 participant and shall not be a requirement for  
15 participation in workforce services programs;

16

17 (ii) The department shall pay all costs of the  
18 drug testing, but shall require reimbursement from  
19 requesting employers;

20

21 (iii) The voluntary drug testing program shall  
22 provide procedural safeguards to ensure the protection of  
23 the constitutional rights of the participants and provide  
24 that testing shall be done by state certified laboratories;

(iv) The department shall set standards  
governing all aspects of the testing process;

(v) The department shall make the voluntary testing program available to all private and public employers including all state agency employers, school district employers, the University of Wyoming and Wyoming community colleges.

(vi) The department shall prepare a written statistical report on the program and submit the report to the legislature on or before January 1, 2007 and annually thereafter.

**Section 2.** There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the workforce services voluntary drug testing account for purposes of this act.

**Section 3.** This act is effective July 1, 2006.

(END)