

CHAPTER NO. 918

SENATE BILL NO. 2932

By Womack

Substituted for: House Bill No. 2578

By Briley

AN ACT To amend Tennessee Code Annotated, Title 50, relative to workers' compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) Each employer with no less than five (5) employees receiving pay who contracts with the state or any local government to provide construction services or who is awarded a contract to provide construction services or who provides construction services to the state or local government shall submit an affidavit stating that such employer has a drug-free workplace program that complies with Title 50, Chapter 9, in effect at the time of such submission of a bid at least to the extent required of governmental entities. Any private employer that certifies compliance with the drug-free workplace program, only to the extent required by this section, shall not receive any reduction in workers' compensation premiums and shall not be entitled to any other benefit provided by compliance with the drug-free workplace program set forth in Title 50, Chapter 9. Nothing in this section shall be construed to reduce or diminish the rights or privileges of any private employer who has a drug-free workplace program that fully complies with Title 50, Chapter 9. For purposes of compliance with this section, any private employer shall obtain a certificate of compliance with the applicable portions of the Drug-Free Workplace Act from the Department of Labor and Workforce Development. No local government or state governmental entity shall enter into any contract or award a contract for construction services with an employer who does not comply with the provisions of this act.

(b) For the purposes of this act, employers shall not include any utility or unit of local government. Employers shall include all private companies and corporations.

(c) If it is determined that an employer subject to the provisions of this act has entered into a contract with a local government or state agency and such employer does not have a drug-free workplace pursuant to this act, such employer shall be prohibited from entering into another contract with any local government or state agency until such employer can prove compliance with the drug-free workplace program pursuant to this act. If the same employer again contracts with any local government or state agency and does not have a drug-free workplace program pursuant to this act then such employer shall be prohibited from entering into another contract with any local government or state agency for not less than three (3) months from the date such violation was discovered and verified and shall be prohibited from entering into another contract until such employer complies with the drug-free workplace program pursuant to this act. If the same employer for a third time contracts with any local government or state agency and does not have a drug-free workplace program pursuant to this act then such employer shall be prohibited from entering into

another contract with any local government or state agency for not less than one (1) year from the date such violation was discovered and verified and shall be prohibited from entering into another contract until such employer complies with the drug-free workplace program pursuant to this act.

SECTION 2. A written affidavit by the principal officer of a covered employer provided to a local government at the time such bid or contract is submitted stating that the employer is in compliance with this act shall absolve the local government of all further responsibility under this act and any liability arising from the employer's compliance or failure of compliance with the provisions of this act.

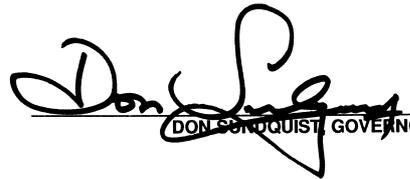
SECTION 3. This act shall take effect January 1, 2001, the public welfare requiring it.

PASSED: June 7, 2000


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of June 2000


DON SUNDQUIST, GOVERNOR