

HOUSE BILL 589

By Parkinson

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 50, relative to drug testing.

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

SECTION 1. Tennessee Code Annotated, Section 50-9-103(6), is amended by deleting the subdivision and substituting instead the following language:

(6)

(A) "Drug" means any controlled substance subject to testing pursuant to drug testing regulations adopted by the United States department of transportation, any prescription medicine that is not prescribed to an employee by a Tennessee physician licensed under title 63, chapter 6 or 9; healthcare provider pursuant to title 63 or title 68; or pain management clinic regulated under title 63;

(B) A covered employer shall test an individual for all such drugs in accordance with this chapter;

(C) The administrator of the division of workers' compensation may add additional drugs by rule in accordance with § 50-9-111;

SECTION 2. Tennessee Code Annotated, Section 50-9-108, is amended by adding the following language as a new subsection:

() Notwithstanding other provisions of this chapter, in determining what action to take against an employee for a positive confirmed drug or alcohol test result, an employer shall not base the action solely on a positive confirmed drug or alcohol test, but shall consider whether the employee was under the influence of the drug or alcohol

during the time when the employee was performing duties within the employee's scope of employment.

SECTION 3. This act shall take effect July 1, 2015, the public welfare requiring it.