

FIRST REGULAR SESSION

# HOUSE BILL NO. 290

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WELLS (Sponsor), McGHEE, BIVINS, DOUGHERTY,  
FUNDERBURK, RUESTMAN, FAITH, POLLOCK, GATSCHENBERGER,  
SCHLOTTACH AND DENISON (Co-sponsors).

0383L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 168, RSMo, by adding thereto one new section relating to drug testing of school employees.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 168, RSMo, is amended by adding thereto one new section, to be known as section 168.705, to read as follows:

- 2       **168.705. 1. The board of education of any school district shall adopt a policy,**  
3 **pursuant to rules and regulations adopted by the department of elementary and secondary**  
4 **education, for the random testing of the school district's teachers and other employees for**  
5 **the unlawful use of controlled substances, as that term is defined in section 195.010, RSMo.**  
6       **2. Any teacher or other employee who tests positive for unlawful use of a controlled**  
7 **substance shall be immediately terminated from employment with the district.**  
8       **3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
9 **that is created under the authority delegated in this section shall become effective only if**  
10 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
11 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
12 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
13 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
14 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
**adopted after August 28, 2009, shall be invalid and void.**

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EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.