

Drug Screening, Criminal History Record Check and Fingerprinting; HB 2302

HB 2302 authorizes the Secretary of the Kansas Department of Health and Environment (KDHE) to require fingerprinting and state and national criminal history record checks for any person offered employment in and any employee of the Office of Laboratory Services who will have access to a secured biological laboratory, as a condition of initial and continued employment. The bill also amends the existing definition of “safety sensitive positions” to include all employees who have access to a secured biological laboratory in the Office of Laboratory Services to allow for drug screening, but specifically exempts employees of the Office of Laboratory Services from provisions in law prohibiting termination solely due to positive results of a drug screening test.

Applicants for safety sensitive positions in state government who are given a conditional offer of employment are subject to drug screening and, once employed, are subject to drug screening based on a reasonable suspicion of illegal drug use (the law applies to a drug screening program implemented by the Division of Personnel Services, Department of Administration, for certain state officials and employees).

The bill establishes the notice requirements, procedures, and purpose for the use of the information obtained from fingerprinting and criminal history record checks. Specifically, the bill requires written notice to persons offered employment and employees that fingerprinting and state and national criminal history record checks (as prescribed by the Secretary of Administration) are required as a condition of initial and continued employment.

The fingerprints will be used to verify the identity of the person offered a position of employment or an employee and determine whether a person has a record of criminal history in this state or other jurisdiction. Local and state law enforcement officers and agencies will assist KDHE in the taking and processing of fingerprints. Fingerprints will be submitted by KDHE to the Kansas Bureau of Investigation (KBI) and the Federal Bureau of Investigation (FBI) for a state and national criminal history record check. The information obtained from fingerprinting and criminal history will be used by KDHE in determining the eligibility to perform tasks within the Office of Laboratory Services by persons offered a position of employment or current employees.

Further, the bill requires when criminal history record information or results of drug screenings are used to disqualify persons offered a position of employment or to terminate employees, such persons must be informed in writing of the purpose of the disqualification or termination.