

ASSEMBLY BILL NO. 132—ASSEMBLYMEN NEAL,
MCCURDY AND FLORES

FEBRUARY 13, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing employment practices.
(BDR 53-29)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to employment; prohibiting the denial of
employment because of the presence of marijuana in a
screening test taken by a prospective employee;
prohibiting an employer from conditioning employment
on a test of the personality traits, behavioral traits or
character traits of a prospective employee; providing
certain exceptions; providing penalties; and providing
other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes various unlawful employment practices. (Chapter 613
2 of NRS)

3 **Section 2** of this bill prohibits an employer from denying employment to a
4 prospective employee because the prospective employee has submitted to a drug
5 screening test and the test indicates the presence of marijuana. **Section 2** further
6 provides, however, that it is not unlawful for an employer to condition the
7 employment of a prospective employee who does not hold a valid registry
8 identification card to engage in the medical use of marijuana on the prospective
9 employee’s abstinence from use of marijuana.

10 **Section 3** of this bill prohibits an employer from conditioning the employment
11 of a prospective employee on his or her submission to a character assessment.

12 **Section 3** defines “character assessment” to mean any test to evaluate the
13 personality traits, behavioral traits or character traits of a person. **Section 3**
14 provides certain exceptions to the preceding prohibition for certain employment
15 involving contact with children, elderly persons or vulnerable persons, employment
16 as a peace officer and employment that affects the public safety.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 613 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *Except as otherwise specifically provided by law:*

4 1. *It is unlawful for any employer in this State to fail or*
5 *refuse to hire a prospective employee because the prospective*
6 *employee submitted to a screening test and the results of the*
7 *screening test indicate the presence of marijuana.*

8 2. *It is not unlawful for an employer in this State to require a*
9 *prospective employee who does not hold a valid registry*
10 *identification card to engage in the medical use of marijuana*
11 *pursuant to chapter 453A of NRS to abstain from using marijuana*
12 *as a condition of employment.*

13 3. *As used in this section, "screening test" means a test of a*
14 *person's blood, urine, hair or saliva to detect the general presence*
15 *of a controlled substance or any other drug.*

16 **Sec. 3.** 1. *Except as otherwise provided in this section, it is*
17 *unlawful for any employer in this State to:*

18 (a) *Directly or indirectly, require, request, suggest or cause*
19 *any prospective employee to take or submit to a character*
20 *assessment.*

21 (b) *Use, accept, refer to or inquire concerning the results of a*
22 *character assessment of any prospective employee.*

23 (c) *Deny employment to or threaten to take such action against*
24 *any prospective employee:*

25 (1) *Who refuses, declines or fails to take or submit to a*
26 *character assessment; or*

27 (2) *On the basis of the results of a character assessment.*

28 2. *It is not unlawful for an employer in this State to require*
29 *an employee to take or submit to a character assessment for the*
30 *purpose of the professional development of the employee.*

31 3. *An employer may require a prospective employee to take or*
32 *submit to a character assessment and consider the results of such*
33 *a character assessment for the purpose of evaluating a prospective*
34 *employee for employment if:*

35 (a) *The duties of the position for which the prospective*
36 *employee is being evaluated for employment involve regular and*
37 *substantial contact with children, elderly persons or vulnerable*
38 *persons;*

39 (b) *The prospective employee is applying for employment as a*
40 *peace officer, as defined in NRS 169.125; or*



1 (c) *The prospective employee is applying for a position that is*
2 *designated by the Personnel Commission as affecting public safety*
3 *pursuant to NRS 284.4066.*

4 4. *As used in this section:*

5 (a) *“Character assessment” means any test to evaluate the*
6 *personality traits, behavioral traits or character traits of a person.*
7 *The term includes, without limitation, the Caliper Profile, the*
8 *Myers-Briggs Type Indicator, the Hogan Personality Inventory,*
9 *the SHL Occupational Personality Questionnaire and other*
10 *similar assessments.*

11 (b) *“Elderly person” means a person who is 60 years of age or*
12 *older.*

13 (c) *“Vulnerable person” means a person 18 years of age or*
14 *older who:*

15 (1) *Suffers from a condition of physical or mental*
16 *incapacitation because of a developmental disability, organic*
17 *brain damage or mental illness; or*

18 (2) *Has one or more physical or mental limitations that*
19 *restrict the ability of the person to perform the normal activities of*
20 *daily living.*

21 **Sec. 4.** This act becomes effective on July 1, 2019.



