

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 with certain exceptions; authorizing an employee to rebut the results of a screening test under certain circumstances; 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, with certain exceptions, an employer from
4 denying employment to a prospective employee because the prospective employee
5 has submitted to a drug screening test and the test indicates the presence of
6 marijuana. **Section 2** further provides, however, that it is lawful for an employer to
7 condition the employment of a prospective employee who does not hold a valid
8 registry identification card to engage in the medical use of marijuana on the
9 prospective employee's abstention from use of marijuana while performing his or
10 her duties of employment. Finally, **section 2** provides that if an employer requires
11 an employee to submit to a screening test within his or her first 30 days of
12 employment, the employer is required to accept and give appropriate consideration
13 to the results of an additional screening test to which the employee submitted at his
14 or her own expense.



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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** Chapter 613 of NRS is hereby amended by adding
3 thereto a new section to read as follows:

4 *Except as otherwise specifically provided by law:*

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

9 2. *The provisions of subsection 1 do not apply if the*
10 *prospective employee is applying for a position:*

11 (a) *As a firefighter, as defined in NRS 450B.071;*

12 (b) *As an emergency medical technician, as defined in*
13 *NRS 450B.065;*

14 (c) *That requires an employee to operate a motor vehicle and*
15 *for which federal or state law requires the employee to submit to*
16 *screening tests; or*

17 (d) *That, in the determination of the employer, could adversely*
18 *affect the safety of others.*

19 3. *It is lawful for an employer in this State to require, as a*
20 *condition of employment, a prospective employee who does not*
21 *hold a valid registry identification card, as defined in NRS*
22 *453A.140, to abstain from using marijuana while carrying out the*
23 *duties of his or her employment.*

24 4. *If an employer requires an employee to submit to a*
25 *screening test within the first 30 days of employment, the employee*
26 *shall have the right to submit to an additional screening test, at his*
27 *or her own expense, to rebut the results of the initial screening*
28 *test. The employer shall accept and give appropriate consideration*
29 *to the results of such a screening test.*

30 5. *The provisions of this section do not apply:*

31 (a) *To the extent that they are inconsistent or otherwise in*
32 *conflict with the provisions of an employment contract or*
33 *collective bargaining agreement.*

34 (b) *To the extent that they are inconsistent or otherwise in*
35 *conflict with the provisions of federal law.*

36 (c) *To a position of employment funded by a federal grant.*

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

40 **Sec. 3.** (Deleted by amendment.)



- 1 **Sec. 3.5.** (Deleted by amendment.)
- 2 **Sec. 4.** This act becomes effective on January 1, 2020.

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