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THIRD REPRINT

A.B. 132

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 that if an employer requires an employee to  
7 submit to a screening test within his or her first 30 days of employment, the  
8 employer is required to accept and give appropriate consideration to the results of  
9 an additional screening test to which the employee submitted at his or her own  
10 expense.

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

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



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

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

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

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

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

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

18    3. *If an employer requires an employee to submit to a*  
19    *screening test within the first 30 days of employment, the employee*  
20    *shall have the right to submit to an additional screening test, at his*  
21    *or her own expense, to rebut the results of the initial screening*  
22    *test. The employer shall accept and give appropriate consideration*  
23    *to the results of such a screening test.*

24    4. *The provisions of this section do not apply:*

25    (i) *To the extent that they are inconsistent or otherwise in*  
26    *conflict with the provisions of an employment contract or*  
27    *collective bargaining agreement.*

28    (ii) *To the extent that they are inconsistent or otherwise in*  
29    *conflict with the provisions of federal law.*

30    (iii) *To a position of employment funded by a federal grant.*

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

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

35    **Sec. 3.5.** (Deleted by amendment.)

36    **Sec. 4.** This act becomes effective on January 1, 2020.

