

Amend CSSB 21 (senate committee printing), in SECTION 2 of the bill, as follows:

(1) In added Section 207.026(b), Labor Code (page 2, line 1), strike "An individual who fails a drug test under this subsection" and substitute "An individual who is determined to have failed a drug test under this subsection under a final determination or decision made by the commission under this section".

(2) In added Section 207.026, Labor Code, between added Subsections (d) and (e) (page 2, between lines 17 and 18), insert the following:

(e) The commission's procedures for an appeal and the retaking of a failed drug test under Subsection (d) must provide for:

(1) the provision to each individual who fails a drug test under Subsection (b) of:

(A) privacy with regard to the individual's test result for at least 10 days following the date the individual receives initial notice of the result during which the individual may appeal the result or retake the failed drug test; and

(B) prompt notice regarding:

(i) the manner in which the individual may appeal the result or retake the failed drug test; and

(ii) common potential causes of a false positive test result; and

(2) full payment by the commission of the costs of the retaking of failed drug tests by any individual who contests the individual's failed drug test as a false positive result and passes a subsequently taken test.

(3) In added Section 207.026(e), Labor Code (page 2, line 18), strike "(e)" and substitute "(f)".