

SUBSTITUTE FOR
HOUSE BILL NO. 5183

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 20173a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 20173A. (1) IF A HEALTH FACILITY OR AGENCY THAT IS A
2 NURSING HOME, COUNTY MEDICAL CARE FACILITY, OR HOME FOR THE AGED
3 REQUIRES EMPLOYEES WHO PROVIDE DIRECT SERVICES TO PATIENTS OR
4 RESIDENTS WITHIN THAT HEALTH FACILITY OR AGENCY TO SUBMIT TO
5 SUBSTANCE SCREENING OR SUBSTANCE ABUSE TESTING, OR BOTH, WHETHER
6 RANDOM OR OTHERWISE, AS A CONDITION OF EMPLOYMENT OR CONTINUED
7 EMPLOYMENT, OR BOTH, THEN THAT HEALTH FACILITY OR AGENCY SHALL HAVE
8 A WRITTEN SUBSTANCE SCREENING AND SUBSTANCE ABUSE TESTING POLICY
9 AND SHALL PROVIDE EACH EMPLOYEE WHO PROVIDES DIRECT SERVICES TO
10 PATIENTS OR RESIDENTS WITHIN THAT HEALTH FACILITY OR AGENCY AT HIRE

1 WITH A WRITTEN NOTICE OR COPY OF THAT POLICY. IF A NOTICE OF THE
2 POLICY IS PROVIDED IN LIEU OF A COPY OF THE POLICY, THEN THE NOTICE
3 SHALL INCLUDE, BUT IS NOT LIMITED TO, EACH OF THE FOLLOWING:

4 (A) CIRCUMSTANCES UNDER WHICH AN EMPLOYEE MAY BE REQUIRED TO
5 SUBMIT TO A TEST.

6 (B) CONSEQUENCES FOR REFUSING TO SUBMIT TO A TEST.

7 (C) PROCEDURE FOR CHALLENGING THE ACCURACY OF THE TEST
8 RESULTS.

9 (D) NOTICE AND TESTING REQUIREMENTS.

10 (2) AS USED IN THIS SECTION, "SUBSTANCE ABUSE" MEANS THE
11 TAKING OF ALCOHOL OR OTHER DRUGS AT DOSAGES THAT PLACE AN
12 INDIVIDUAL'S SOCIAL, ECONOMIC, PSYCHOLOGICAL, AND PHYSICAL WELFARE
13 IN POTENTIAL HAZARD OR TO THE EXTENT THAT AN INDIVIDUAL LOSES THE
14 POWER OF SELF-CONTROL AS A RESULT OF THE USE OF ALCOHOL OR DRUGS,
15 OR WHILE HABITUALLY UNDER THE INFLUENCE OF ALCOHOL OR DRUGS,
16 ENDANGERS PUBLIC HEALTH, MORALS, SAFETY, OR WELFARE, OR A
17 COMBINATION THEREOF.