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HOUSE BILL 587

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Dara Dana

AN ACT

RELATING TO EDUCATION; PROVIDING SCHOOL DISTRICTS WITH THE  
AUTHORITY TO CONDUCT RANDOM DRUG TESTING OF ALL SCHOOL  
PERSONNEL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is  
enacted to read:

" NEW MATERIAL RANDOM DRUG TESTING--SCHOOL PERSONNEL. --

A. School districts may conduct mandatory random  
drug testing of all school personnel employed by the school  
district or who apply for a position with the school district.  
A school district may not recover the costs of conducting a  
drug test from the school personnel.

B. A drug test shall be limited to controlled  
substances as defined in Sections 30-31-6 through 30-31-10

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1 NMSA 1978. A test for any other substance or medical  
2 condition shall not be allowed pursuant to this section.

3 C. A drug test may be conducted only by a third  
4 party. A school personnel member shall be required to  
5 disclose to the third party the use of only those medications  
6 that may affect the result of the drug test. The third party  
7 shall keep the disclosure confidential and shall not disclose  
8 the use of the medications or any medical conditions that the  
9 third party has knowledge of to the school district.

10 D. Results from a drug test conducted pursuant to  
11 this section shall not be given to a law enforcement official  
12 without the consent of the school personnel member tested."