

lawful product use. But you go to Section 4 and you look at the areas where it says, look, employer still has the ability, so nothing in the first two sections of the bill prohibit employers from establishing product...and I'm looking at subsection (1), product-use policies for employees who are on duty, in the workplace or using or occupying any property of the employer. Okay. So in other words, I can say when you come here you can't use that. All right? Then you skip down to (3), and you talk about establishing permissible blood content level for alcohol, prescription drugs and other medications while the employee is on duty in the workplace, or is using or occupying any property of the employer; or (4) establishing and enforcing policies regarding employees using lawful products outside the employer's premises during nonworking hours, when such policies are communicated to the employee, relate to the use of a lawful product and involve (a) an employer's duties and obligations required by law. So in other words, the law says you can't drive this truck, you can't be the engineer on that train with...if you've used alcohol within the last 8, 16, 24 hours, whatever the case may be; (b) compliance with fiduciary responsibility. If you're a bus driver you've got a responsibility as a common carrier to those passengers. You can say as an employer, look, we can't have anybody out here driving these buses who's had...who have a certain level of blood alcohol in their content. We can deny you the opportunity to employ that or drive that bus, is the example. Or we've got a legitimate conflict-of-interest policy designed to protect the employer's trade secrets, proprietary information, or other proprietary interests. Other proprietary interests are...is a catchall out there for just about anything that the employer says, now wait a minute, this is where our interests lie, we are going to be able to dictate what your behavior is in that area. And I believe the bill is drafted tightly enough to protect the kinds of examples that you raised, Senator Janssen. And I'll address some of the other...

SPEAKER WITHEM: One minute.

SENATOR HALL: ...concerns that were raised.

SPEAKER WITHEM: Senator Janssen.

SENATOR JANSSEN: Fine. My questions are answered. Thank you, Mr. Speaker.