

1 AN ACT relating to employment-related drug screens.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) As used in this section, "CBD oil" means a cannabidiol product derived from  
6 industrial hemp as defined in KRS 260.850.

7 (2) Except as otherwise specifically provided by law:

8 (a) Any current employee in the Commonwealth who utilizes CBD oil and  
9 subsequently tests positive in a drug screening test for cannabidiol or  
10 tetrahydrocannabinol shall not be terminated by his or her employer based  
11 upon the results of the drug screening;

12 (b) Any prospective employee in the Commonwealth who utilizes CBD oil and  
13 subsequently tests positive in a drug screening test for cannabidiol or  
14 tetrahydrocannabinol shall not be refused employment based upon the  
15 results of the drug screening; and

16 (c) Any industrial hemp grower licensed by the Commonwealth, and any  
17 person assisting the licensed hemp grower in planting, cultivating,  
18 harvesting, or processing industrial hemp, who subsequently tests positive  
19 in a drug screening test for cannabidiol or tetrahydrocannabinol shall not  
20 be:

21 1. Terminated by his or her employer; or

22 2. Refused employment;

23 based upon the results of the drug screening.

24 (3) The provisions of subsection (2) of this section do not apply:

25 (a) To the extent they are inconsistent or in conflict with provisions of federal  
26 law;

27 (b) To a position funded by a federal grant which requires that employees pass

- 1                    *drug screens for the presence of tetrahydrocannabinol; or*
- 2                    *(c) When the employee or job applicant presents to the employer in an impaired*
- 3                    *condition at the employer's place of business during working hours.*