

Iowa to Change Employer Alcohol Testing Requirement on July 1

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Iowa's governor recently signed legislation ([H.F. 2383](#)) amending Iowa's already onerous drug testing law (Iowa Code section 730.5) relating to private employers. Iowa Code section 730.5 states that an employer's written policy for alcohol testing must include a standard for breath alcohol concentration that is deemed to be a violation of the policy, and that standard must be no less than .04 grams of alcohol per 210 liters of breath, or its equivalent. Under the new law, which will go into effect on July 1, 2018, that standard will be reduced to no less than .02 grams of alcohol per 210 liters of breath, or its equivalent, allowing employers to take an even tougher stance against employees who might show up to work under the influence.

Iowa's drug testing law is one of the most complex in the country, with detailed requirements governing what must be included in an employer's written drug testing policy, how drug testing needs to be performed, supervisor training requirements, and when and how an employer may discipline an employee based upon a positive test result. As a result, many multistate employers are surprised to learn that the drug testing policies they utilize elsewhere in the country do not necessarily comply with the intricacies of Iowa's law. Moreover, because even technical noncompliance with Iowa's drug testing law could result in an award of reinstatement, back pay, costs, and attorneys' fees against an unwary employer, private employers conducting applicant or employee drug testing in Iowa may want to review their drug testing policies and procedures carefully.

TOPICS

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