



2025 South Dakota Legislature

House Bill 1146

Introduced by: **Representative** Garcia

1 **An Act to require hospitals to implement drug testing programs.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That a NEW SECTION be added to chapter 34-12:**

4 For the purposes of section 2 of this Act, the following terms mean:

5 (1) "Drug testing," the analysis of biological specimens to detect the presence of the
6 following substances or their metabolites:

7 (a) Alcohol;

8 (b) Amphetamines;

9 (c) Cocaine;

10 (d) Marijuana;

11 (e) Opioids; and

12 (f) Phencyclidine; and

13 (2) "Employee" a full-time, part-time, temporary, or contracted staff member who
14 performs work for compensation.

15 **Section 2. That a NEW SECTION be added to chapter 34-12:**

16 No later than January 1, 2026, each hospital licensed in accordance with this
17 chapter shall adopt policies and procedures for a drug testing program that consists of:

18 (1) Pre-employment drug testing of each prospective employee; and

19 (2) Random drug testing at least once annually of each employee.