



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa0474/1  
MPG:emw:ew

**ASSEMBLY AMENDMENT 3,  
TO ASSEMBLY BILL 192**

May 5, 2015 - Offered by Representatives JORGENSEN, GOYKE, KOLSTE, SPREITZER  
and SUBECK.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 12, line 14: after that line insert:

3 “**SECTION 9m.** 238.121 of the statutes is created to read:

4 **238.121 Substance abuse screening and testing for participants in**  
5 **economic development programs. (1)** In this section, “controlled substance” has  
6 the meaning given in s. 961.01 (4).

7 **(2)** In order to participate in an economic development program administered  
8 by the corporation, a company’s chief executive officer shall undergo a test for the use  
9 of a controlled substance. If the chief executive officer refuses to submit to a test, the  
10 company is not eligible to participate in an economic development program  
11 administered by the corporation until the company’s chief executive officer complies  
12 with the requirement to undergo a test for the use of a controlled substance.

1           **(3)** If a chief executive officer who undergoes a test under sub. (2) tests negative  
2 for the use of a controlled substance, or tests positive for the use of a controlled  
3 substance but presents evidence satisfactory to the corporation that the chief  
4 executive officer possesses a valid prescription for each controlled substance for  
5 which the chief executive officer tests positive, the chief executive officer will have  
6 satisfactorily completed the substance abuse testing requirements under this  
7 section.

8           **(4)** (a) If a chief executive officer who undergoes a test under sub. (2) tests  
9 positive for the use of a controlled substance without presenting evidence of a valid  
10 prescription as described in sub. (3), the corporation shall require the chief executive  
11 officer to participate in substance abuse treatment for the company to remain eligible  
12 to participate in an economic development program administered by the corporation.  
13 If the chief executive officer refuses to participate in substance abuse treatment, the  
14 company is not eligible to participate in an economic development program  
15 administered by the corporation until the company's chief executive officer complies  
16 with the requirement to participate in substance abuse treatment.

17           (b) During the time that a chief executive officer is receiving substance abuse  
18 treatment under par. (a), the corporation shall require the chief executive officer to  
19 undergo random testing for the use of a controlled substance. For the company to  
20 remain eligible for an economic development program administered by the  
21 corporation, the chief executive officer must cooperate with the testing and the  
22 results of the tests must be negative or, if any results are positive, the chief executive  
23 officer must present evidence of a valid prescription as described in sub. (3). If the  
24 results of any test during treatment are positive for the use of a controlled substance  
25 and the chief executive officer does not present evidence of a valid prescription for

1 the controlled substance, the chief executive officer shall have the opportunity to  
2 begin the treatment again one time, as determined by the corporation. If the chief  
3 executive officer begins the substance abuse treatment again, the company shall  
4 remain eligible for an economic development program administered by the  
5 corporation as long as the results of all tests of the chief executive officer for the use  
6 of a controlled substance during the subsequent treatment are negative for the use  
7 of a controlled substance or, if any results are positive, the chief executive officer  
8 presents evidence of a valid prescription for the controlled substance.

9 (c) If a chief executive officer receiving treatment under par. (b) completes  
10 treatment and, at the conclusion of the treatment, tests negative for the use of a  
11 controlled substance or presents evidence of a valid prescription for any controlled  
12 substance for which the chief executive officer tests positive, the chief executive  
13 officer will have satisfactorily completed the substance abuse testing requirements  
14 under this section.

15 (5) If a company's chief executive officer fails to satisfactorily complete the  
16 substance abuse testing requirements under this section, the company shall repay  
17 to the corporation all grants, loans, and other benefits the company received under  
18 the economic development program in which the company is participating when its  
19 chief executive officer fails to satisfactorily complete the substance abuse testing  
20 requirements under this section.”.

21 **2.** Page 13, line 11: after that line insert:

22 **“SECTION 10m. Initial applicability.**

23 (1m) SCREENING AND TESTING UNDER ECONOMIC DEVELOPMENT PROGRAMS. The  
24 treatment of section 238.121 of the statutes first applies to a company that applies

1 on the effective date of this subsection to participate in an economic development  
2 program, as defined in section 238.01 (3) of the statutes, administered by Wisconsin  
3 Economic Development Corporation.”.

4 (END)