



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-1928/P4  
MED:amn&skw

DOA:.....Kirschbaum, BB0589 - Substance abuse prevention on public works and public utility projects

**FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION**

AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EMPLOYMENT**

***Substance abuse prevention; employer registration***

With certain exceptions, current law prohibits employees from using, possessing, attempting to possess, distributing, delivering, or being under the influence of a drug, or from using or being under the influence of alcohol, while performing certain work on a project of public works or public utility project, and requires that, before an employer may commence work on a project of public works or a public utility project, the employer have in place a written employee substance abuse program.

This bill specifically allows DWD to enforce these provisions and requires employers subject to these provisions to register with DWD. The bill allocates registration fees to DWD's substance abuse prevention administration and enforcement activities.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 20.445 (1) (h) of the statutes is created to read:

20.445 (1) (h) *Substance abuse prevention on public works and public utility projects.* All moneys received from fees collected under s. 103.503 (2m) (b) for costs associated with the administration and enforcement of s. 103.503.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 2.** 103.503 (title) of the statutes is amended to read:

**103.503 (title) Substance abuse prevention on public works and public utility projects; registration required.**

**SECTION 3.** 103.503 (2m) of the statutes is created to read:

103.503 (2m) REGISTRATION REQUIRED. (a) Every employer that is subject to this section shall register with the department in the manner prescribed by the department by rule.

(b) The department shall charge a fee for a registration under this section. The department shall, by rule, establish a tiered fee structure, and fees shall be set at a level necessary to pay the costs of the department that are attributable to administering and enforcing this section.

(c) Any person in violation of par. (a) shall forfeit no less than \$10,000 and not more than \$25,000 for each occurrence.

**SECTION 4.** 103.503 (6) of the statutes is created to read:

103.503 (6) DEPARTMENT TO ADMINISTER. (a) The department shall administer and enforce this section.

(b) The department shall promulgate any rules necessary to implement this section, including rules to establish compliance with the registration requirement under sub. (2m).

**SECTION 9150. Nonstatutory provisions; Workforce Development.**

(1) SUBSTANCE ABUSE PREVENTION ON PUBLIC WORKS AND PUBLIC UTILITY PROJECTS.

Using the procedure under s. 227.24, the department of workforce development may promulgate rules required under s. 103.503 (6) (b). Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until May 1, 2023, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

**SECTION 9450. Effective dates; Workforce Development.**

(1) SUBSTANCE ABUSE PREVENTION ON PUBLIC WORKS AND PUBLIC UTILITY PROJECTS.

The treatment of s. 103.503 (title), (2m), and (6) takes effect on the 90th day after publication.

(END)