

**ALEC EXPOSED**

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda--underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

**ALEC's Corporate Board**  
--in recent past or present

- AT&T Services, Inc.
  - centerpoint360
  - UPS
  - Bayer Corporation
  - GlaxoSmithKline
  - Energy Future Holdings
  - Johnson & Johnson
  - Coca-Cola Company
  - PhRMA
  - Kraft Foods, Inc.
  - Coca-Cola Co.
  - Pfizer Inc.
  - Reed Elsevier, Inc.
  - DIAGEO
  - Peabody Energy
  - Intuit, Inc.
  - Koch Industries, Inc.
  - ExxonMobil
  - Verizon
  - Reynolds American Inc.
  - Wal-Mart Stores, Inc.
  - Salt River Project
  - Altria Client Services, Inc.
  - American Bail Coalition
  - State Farm Insurance
- For more on these corporations, search at [www.SourceWatch.org](http://www.SourceWatch.org).

& MEETINGS

**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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**Drug-free Workplace Act**

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

**Summary**

This Act would prohibit any state agency from entering into a contract involving an expenditure of \$25,000 or more with any contractor or individual who does not certify a drug-free workplace, and establishes several conditions and requirements that have to be met in order to certify a drug-free workplace. The Act provides that a state agency may suspend, terminate, or debar a contractor if that contractor makes a false certification of, or fails to carry out the requirements for, a drug-free workplace.

**Model Legislation**

{Title, enacting clause, etc.}

**Section 1. {Title.}** This Act shall be known and may be cited as the Drug-Free Workplace Act.

**Section 2. {Definitions.}** As used in this Act:

(A) "Contractor" means:

(1) any person engaged in the business of constructing altering, repairing, dismantling, or demolishing buildings, roads, bridges, viaducts, sewers, water and gas mains, streets, disposal plants, airports, dams, water filters, tanks, towers, and wells, pipelines, and every other type of structure, project, development, or improvement coming within the definition of real or personal property, including, but not limited to, constructing, altering, or repairing property to be held either for sale or rental when the contract involves an expenditure by a state agency of at least \$25,000; or

(2) any person supplying goods, materials, services, or supplies pursuant to a contract or lease on behalf of a state agency when the contract involves an expenditure by the state agency of at least \$25,000.

(B) "Controlled substance" means [cite state controlled substance act].

(C) "Conviction" means a plea of guilty or a finding of guilt, including a plea of nolo contendere, and a sentence imposed by any judicial body charged with a responsibility to determine violations of the federal or state criminal drug statutes.

(D) "Criminal drug statute" means any criminal statute involving the manufacture, sale, distribution, dispensation, use, or possession of any controlled substance or marijuana.

(E) "Drug-free workplace" means a site for the performance of work done in connection with a specific contract referred to in Subsection (A) with a person, the employees of which persons are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession, or use of any controlled substance or marijuana in accordance with the requirements of this Act.

(F) "Employee" means the employee of a contractor directly engaged in the performance of work pursuant to the provisions of the contract referred to in subsection (A).

(G) "Individual" means a contractor who has no more than one employee, including the contractor.

(H) "Marijuana" means the substance as defined in [cite state controlled substance act].

(I) "Person" means a corporation, a partnership, a business trust, an association, a firm, or any other legal entity except an individual.

(J) "Principal representative" means the governing board or the executive head of a state agency who is authorized to enter into a contract with a contractor on behalf of the a state agency.

(K) "State agency" means any department, division, board, bureau, commission, or other agency of the state government or any state authority.

(L) "Subcontractor" means a person hired by a contractor on an independent basis rather than as an employee and who performs work for the contractor under a contract as provided under Subsection (A)

**Section 3. {Drug-free workplace requirements of contractors.}**

(A) The principal representative of a state agency shall not enter into a contract with any contractor, other than an individual, unless the contractor certifies to the principal representative that:

(1) a drug-free workplace will be provided for the contractor's employees during the performance of the contract; and

(2) each contractor who hires a subcontractor to work in a drug-free workplace shall secure from that subcontractor the following written certification: As part of the subcontracting agreement with (contractor), (subcontractor) certifies to the contractor that a drug-free workplace will be provided for the subcontractor's employees during the performance of this contract pursuant to Paragraph (7), Subsection B of this Section.

(B) A contractor may satisfy the requirement for providing a drug-free workplace for employees by:

(1) publishing a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(2) establishing a drug-free awareness program to inform employees about:

(a) the dangers of drug abuse in the workplace;

(b) the contractor's policy of maintaining a drug-free workplace;

(c) any available drug counseling, rehabilitation, and employee assistance programs; and

(d) the penalties that may be imposed upon employees for drug abuse violations;

(3) providing each employee with a copy of the statement provided for in Paragraph (1) of this Subsection;

(4) notifying each employee in the statement provided for in Paragraph (1) of this Subsection that as a condition of employment, the employee shall:

(a) abide by the terms of the statement; and

(b) notify the contractor of any criminal drug statute conviction for a violation occurring in the workplace within five days of the conviction;

(5) notifying the contracting principal representative within 10 days after receiving from an employee or a subcontractor a notice of conviction as provided under Subparagraph (b) of Paragraph (4) of this Subsection or after otherwise receiving actual notice of such a conviction;

(6) making a good faith effort on a continuing basis to provide a drug-free workplace for employees; and

(7) requiring that such contractor include in any agreement or contract with a subcontractor a provision that such subcontractor will provide a drug-free workplace for his employees by complying with the provisions of Paragraph (1), (2), (3), (4), and (6) of this Subsection and by notifying the contractor of any criminal drug statute conviction for a violation occurring in the workplace involving the subcontractor or its employees within five days of receiving notice of the conviction. The contractor will notify the contracting principal representative pursuant to Paragraph (5) of this Subsection.

**Section 4. {Drug-free contractors.}** The principal representative of a state agency shall not enter into a contract with an individual or a person as a contractor unless the contract includes a certification by the individual or person that the individual or person will not engage in the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the contract.

**Section 5. {Suspension, termination, debarment.}** The principal representative of a state agency may suspend, terminate, or debar the contractor if the state agency determines that:

(A) the contractor or individual has made false certification under Subsection (A) of Section 3; or

(B) the contractor has violated such certification by failing to carry out the requirements of Subsection (B) of Section 3.

**Section 6. {Additional programs.}** This Act establishes minimum standards for contractors and does not prevent them from implementing additional procedures and policies having the objectives of achieving and maintaining a drug free workplace.

**Section 7. {Severability clause.}**

**Section 8. {Repealer clause.}**

**Section 9. {Effective date.}**

**About Us** and **ALEC EXPOSED**. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish [www.PRWatch.org](http://www.PRWatch.org), [www.SourceWatch.org](http://www.SourceWatch.org), and now [www.ALECexposed.org](http://www.ALECexposed.org). For more information contact: [editor@prwatch.org](mailto:editor@prwatch.org) or 608-260-9713.