

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 34.—Discrimination Because of Disability

21-34-11. Illegal use of drugs and alcohol; exception to the definition of "qualified individuals with a disability"; policies and procedures.

(a) The term "qualified individual with a disability" shall not include any employee or applicant who is engaging in the illegal use of drugs, when the covered entity acts on the basis of the illegal use of drugs.

(b) Nothing in subsection (a) of this regulation shall be construed to exclude as a "qualified individual with a disability" an individual who:

(1) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of drugs; or

(2) is participating in a supervised rehabilitation program and is no longer engaging in the illegal use of drugs; or

(3) is erroneously regarded as engaging in the illegal use of drugs, but is not engaging in the illegal use of drugs.

(c) It shall not be a violation of this act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in paragraph (b)(1) or (2) of this section is no longer engaging in the illegal use of drugs.

(Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

***** Authenticated Kansas Administrative Regulation *****