In line 9 of the printed bill, after “qualification” insert “that relates to health and safety”.

Delete lines 11 and 12 and insert:

“(2) Subsection (1) of this section does not apply:

“(a) If an applicable collective bargaining agreement prohibits off-duty use of the substance;

“(b) To federal contractors or employers that receive federal grants that are subject to the federal Drug-Free Workplace Act of 1988 (41 U.S.C. 8101 et seq.);

“(c) If the employer is required by federal law or regulation to test employees or prospective employees for alcohol or drug use;

“(d) To public safety personnel, as defined in ORS 181A.355, and other providers of emergency services, as defined in ORS 401.025;

“(e) To a licensed health care professional, as defined in ORS 137.476;

“(f) To an operator of a public transit vehicle, as defined in ORS 166.116, or a taxi, while the operator is in control of or operating the vehicle or taxi; or

“(g) To employees who perform job functions that may involve a risk of injury to others, including, but not limited to, construction work, the operation of heavy machinery or equipment or the operation of a commercial vehicle, as defined in ORS 801.210, or a commercial motor vehicle, as defined in ORS 801.208.”.