

1 **H. B. 4469**

2  
3 (By Delegates Ellington, Howell, Andes,  
4 Overington, Carmichael, Savilla, Ireland,  
5 Evans, Sigler and Snuffer)

6 [Introduced February 9, 2012; referred to the  
7 Committee on the Judiciary then Finance.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §4-1-24, relating to  
12 implementing drug testing for legislators of the State of West  
13 Virginia.

14 *Be it enacted by the Legislature of West Virginia:*

15 That the Code of West Virginia, 1931, as amended, be amended  
16 by adding thereto a new section, designated §4-1-24, to read as  
17 follows:

18 **ARTICLE 1. OFFICERS, MEMBERS AND EMPLOYEES; APPROPRIATIONS;**  
19 **INVESTIGATIONS; DISPLAY OF FLAGS; RECORDS; USE OF**  
20 **CAPITOL BUILDING; PREFILING OF BILLS AND**  
21 **RESOLUTIONS; STANDING COMMITTEES; INTERIM MEETINGS;**  
22 **NEXT MEETING OF THE SENATE.**

23 **§4-1-24. Drug testing for legislators.**

24 **(a) On the first day of each regular session of the**

1 Legislature, the Commissioner of the Division of Human Services  
2 shall administer drug testing to each member of the Legislature.  
3 This test shall provide a mechanism to detect illegal consumption  
4 of controlled substances.

5 (b) All persons who are members of the Legislature must submit  
6 to the commissioner's drug testing program.

7 (c) Any member of the Legislature who fails an initial drug  
8 test must submit to a second drug test no less than thirty days  
9 following the initial drug test, but not to exceed sixty days  
10 following the initial test. If this second test is not passed, the  
11 member shall forfeit all pay and allowances for that calendar year.

12 (d) The commissioner shall be responsible for ensuring the  
13 confidentiality of any and all drug test results administered as  
14 part of the program. Drug test results shall only be used for the  
15 purpose of determining fitness for pay and allowances under  
16 subsection (c) of this section. At no time shall drug test results  
17 be released to any public or private person or entity, except as  
18 otherwise authorized by this code.

NOTE: The purpose of this bill is to create a drug testing program for legislators who shall be required to submit to drug testing. Any legislator who fails two consecutive drug tests must forfeit all pay and allowances. The bill also ensures confidentiality of records.

§4-1-24 is new; therefore, it has been completely underscored.