

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2925

2015 Carryover

(BY DELEGATES FLUHARTY AND PUSHKIN)

[Introduced January 13, 2016; referred to the
Committee on the Judiciary then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §4-2A-5a, relating to drug testing of legislators.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a
2 new section, designated §4-2A-5a, to read as follows:

**ARTICLE 2A. COMPENSATION FOR AND EXPENSES OF MEMBERS OF THE
LEGISLATURE.**

§4-2A-5a. Drug testing of legislators.

1 (a) The Legislature finds and declares that members of the Legislature, as public figures,
2 have a reduced expectation of privacy and that the job responsibilities of legislators greatly impact
3 public safety. As a result establishing a requirement for members of the Legislature to be drug
4 free is a reasonable government function.

5 (b) Notwithstanding any provisions of this code to the contrary, no member of the
6 Legislature may receive any pay or expense reimbursement pursuant to this article, until he or
7 she successfully passes a drug test for all known illegal drugs and any legal drugs in which he or
8 she does not have a prescription, showing that he or she does not illegally take drugs. The test
9 shall be conducted annually by December 31. Failure to pass or take a drug test pursuant to
10 this section precludes that legislator from receiving any pay or expense reimbursement for any
11 legislative session or activity in which he or she would otherwise be authorized to be paid or
12 reimbursed for pursuant to this article. Each legislator shall pay the cost his or her drug test.

NOTE: The purpose of this bill is to require legislators to annually pass a drug test in order to receive any pay or expense reimbursement.

This section is new; therefore, it has been completely underscored.