

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 104

BY SENATORS BALDWIN, OJEDA, PREZIOSO, AND

PLYMALE

[Introduced January 10, 2018; Referred
to the Committee on the Judiciary; and then to the
Committee on 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:

**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, a member of the
6 Legislature may not receive any pay or expense reimbursement pursuant to this article, until he
7 or she successfully passes a drug test for all known illegal drugs and any legal drugs in which he
8 or she does not have a prescription, showing that he or she does not illegally take drugs. The
9 test 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.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.