

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4351

FISCAL
NOTE

BY DELEGATES KUMP, BUTLER AND FLUHARTY

[Introduced January 15, 2020; Referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §4-1-24, relating to requiring the random drug testing of legislators; requiring
3 public disclosure of results or nonparticipation under certain circumstances; and generally
4 requiring confidentiality.

Be it enacted by the Legislature of West Virginia:

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

§4-1-24. Random drug testing of legislators.

1 (a) The Legislative Manager shall establish a program for the random drug testing of
2 legislators for illegal drugs, to be conducted during each regular session of the legislature. The
3 program shall include:
4 (1) Procedures for random testing of each Legislator;
5 (2) Procedures for ensuring that no legislator is tested more than twice per session, except
6 as provided in subsection (b) of this section;
7 (2) Procedures for administering the tests; and
8 (3) Other provisions reasonably convenient for the efficient operation of the program.
9 (b) Any member of the Legislature whose test results indicate the use of illegal drugs must
10 submit to a second drug test no less than 30 days following the initial drug test, but not to exceed
11 60 days following the initial test. If the results of the second test indicate the use of illegal drugs,
12 or if the member fails or refuses to participate in the testing program, that information shall be
13 released to the public.
14 (c) The Legislative Manager is responsible for ensuring the confidentiality of all drug test
15 results administered as part of the program, except as provided in subsection (b) of this section.

NOTE: The purpose of this bill is to require the random drug testing of legislators.

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