

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2904**

BY DELEGATES HANNA, P. MARTIN, PAYNTER, CAMPBELL,  
J. JEFFRIES, PORTERFIELD, ANGELUCCI AND S. BROWN

[ Introduced February 7, 2019; Referred  
to the Committee on Health and Human Resources  
then 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 implementing drug testing for legislators of the State of  
3 West Virginia.

*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. Drug testing for legislators.**

1 (a) On the first day of each regular session of the Legislature, the Commissioner of the  
2 Division of Human Services shall administer drug testing to each member of the Legislature. This  
3 test shall provide a mechanism to detect illegal consumption of controlled substances.

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

6 (c) Any member of the Legislature who fails an initial drug test must submit to a second  
7 drug test no less than 30 days following the initial drug test, but not to exceed 60 days following  
8 the initial test. If this second test is not passed, the member shall forfeit all pay and allowances  
9 for that calendar year.

10 (d) The commissioner is responsible for ensuring the confidentiality of any and all drug  
11 test results administered as part of the program. Drug test results may only be used for the  
12 purpose of determining fitness for pay and allowances under subsection (c) of this section. At no  
13 time may drug test results be released to any public or private person or entity, except as  
14 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.

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