WEST virginia legislature

2021 regular session

Introduced

Senate Bill 116

By Senators Baldwin, Hamilton, and Ihlenfeld

[Introduced February 10, 2021; referred  
to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, 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.

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

(b) Notwithstanding any provisions of this code to the contrary, a member of the Legislature may not receive any pay or expense reimbursement pursuant to this article, until he or she successfully passes a drug test for all known illegal drugs and any legal drugs in which he or she does not have a prescription, showing that he or she does not illegally take drugs. The test shall be conducted annually by December 31. Failure to pass or take a drug test pursuant to this section precludes that legislator from receiving any pay or expense reimbursement for any legislative session or activity in which he or she would otherwise be authorized to be paid or reimbursed for pursuant to this article. Each legislator shall pay the cost of his or her drug test.

NOTE: The purpose of this bill is to require legislators to annually pass a drug test to receive 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.