

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

## **House Bill 4970**

**FISCAL  
NOTE**

By Delegates Vance, Brooks, and Kump

[Introduced January 29, 2026; referred to the  
Committee on Education then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding four new sections,  
2 designated §7-1-17, §18-2-47, §18-5-55, and §29-6-29; relating to mandatory drug testing  
3 for all classes of employees of county commissions, the state of West Virginia, State Board  
4 of Education, and in K through 12 schools.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

### **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

#### **§7-1-17. Mandatory drug testing of all classes of employees.**

1 (a) Notwithstanding any other provision of this code to the contrary, beginning on July 1,  
2 2026, all classes of personnel hired for employment by county commissions are subject to random  
3 drug testing in the manner prescribed in §21-3E-1 et seq. of this code.

4 (b) Each county commission shall adopt rules to implement this section. The rules shall  
5 include: (1) That after being offered employment, the employee shall pass a drug test before  
6 beginning employment; and (2) ten percent of all employees are subject to random drug testing  
7 each year.

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 2. STATE BOARD OF EDUCATION.**

#### **§18-2-47. Mandatory drug testing of all classes of employees.**

1 (a) Notwithstanding any other provision of this code to the contrary, beginning with the  
2 school year 2026-2027, all classes of personnel and teachers hired for employment with the State  
3 Board of Education are subject to random drug testing in the manner prescribed in §21-3E-1 et  
4 seq. of this code.

5 (b) The State Board of Education shall propose rules for legislative approval in accordance  
6 with §29A-3-1 et seq. of this code to implement this section. The rules shall include: (1) That after  
7 being offered employment, the employee shall pass a drug test before beginning employment; and

8 (2) ten percent of all employees and volunteers (such as volunteer coaches) are subject to random  
9 drug testing each year.

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-55. Mandatory drug testing of all classes of employees.**

1 (a) Notwithstanding any other provision of this code to the contrary, beginning with the  
2 school year 2026-2027, all classes of personnel and teachers hired for employment in K through  
3 12 are subject to random drug testing in the manner prescribed in §21-3E-1 et seq. of this code.

4 (b) The State Board of Education shall propose rules for legislative approval in accordance  
5 with §29A-3-1 et seq. of this code to implement this section. The rules shall include: (1) That after  
6 being offered employment, the employee shall pass a drug test before beginning employment; and  
7 (2) ten percent of all employees and volunteers (such as volunteer coaches) are subject to random  
8 drug testing each year.

**CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

**ARTICLE 6. CIVIL SERVICE SYSTEM.**

**§29-6-29. Mandatory drug testing of all classes of employees.**

1 (a) Notwithstanding any other provision of this code to the contrary, beginning on July 1,  
2 2026, all classes of personnel hired for employment with the state of West Virginia are subject to  
3 random drug testing in the manner prescribed in §21-3E-1 et seq. of this code.

4 (b) The Director of Personnel shall propose rules for legislative approval in accordance  
5 with §29A-3-1 et seq. of this code to implement this section. The rules shall include: (1) That after  
6 being offered employment, the employee shall pass a drug test before beginning employment; and  
7 (2) ten percent of all employees are subject to random drug testing each year.

NOTE: The purpose of this bill is to require mandatory drug testing for all classes of employees of county commissions, the state of West Virginia, State Board of Education, and in K through 12 schools.

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