

H. B. 2925

(By Delegates Fluharty and Pushkin)

[Introduced February 24, 2015; referred to the
Committee on the Judiciary then Finance.]

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:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
section, designated §4-2A-5a, to read as follows:

**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, no member of the Legislature

1 may receive any pay or expense reimbursement pursuant to this article, until he or she successfully
2 passes a drug test for all known illegal drugs and any legal drugs in which he or she does not have
3 a prescription, showing that he or she does not illegally take drugs. The test shall be conducted
4 annually by December 31. Failure to pass or take a drug test pursuant to this section precludes that
5 legislator from receiving any pay or expense reimbursement for any legislative session or activity
6 in which he or she would otherwise be authorized to be paid or reimbursed for pursuant to this
7 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.

This section is new; therefore, it has been completely underscored.