

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2319

By Delegate Fluharty

[Introduced January 11, 2023; Referred to the
Committee on the Judiciary then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 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.

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

5 (b) Notwithstanding any provisions of this code to the contrary, no member of the
6 Legislature may receive any compensation or expense reimbursement pursuant to this article until
7 he or she successfully passes a drug test for all known illegal drugs and any legal drugs for which
8 he or she does not have a prescription. The test shall be conducted annually by December 31.
9 Failure to pass or take a drug test pursuant to this section precludes that legislator from receiving
10 any compensation or expense reimbursement for any legislative session or activity in which he or
11 she would otherwise be authorized to receive compensation or reimbursement under this article.
12 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 any compensation 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.