

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### House Bill 5088

FISCAL  
NOTE

By Delegates Vance, Foggin, Martin, Heckert,  
Longanacre, Hite, Dillon, and Westfall

[Introduced January 25, 2024; Referred to the  
Committee on Education then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, ~~be amended~~ by adding thereto a  
 2 new section, designated §7-1-17; to amend said code by adding thereto a new section,  
 3 designated §18-2-44; to amend said code by adding thereto a new section, designated  
 4 §18-5-52; and to amend said code by adding thereto a new section, designated §29-6-29,  
 5 all relating to mandatory drug testing for all classes of employees of county commissions,  
 6 the state of West Virginia, State Board 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 2024, 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.**

**§18-2-44. 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 2024-2025, 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.**

**§18-5-52. 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 2024-2025, 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 2024, 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.