

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide that a volunteer at a District of Columbia Public School shall not be tested for drug and alcohol use; except, that a volunteer at a District of Columbia Public School may be tested for drug and alcohol use based on reasonable suspicion, and to provide that an employee of a private contractual provider or a private licensed provider who is not an employee of a child development facility licensed by the Office of the State Superintendent of Education shall not be required to take a test for marijuana, unless the test for marijuana is based on reasonable suspicion or is required pursuant to federal law, regulation, contract, or funding agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “DCPS Drug Testing Clarification Temporary Amendment Act of 2021”.

Sec. 2. Title XX-C of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 1-620.31 *et seq.*), is amended as follows:

(a) Section 2031 (D.C. Official Code § 1-620.31) is amended as follows:

(1) Paragraph (7) is amended by striking the phrase “employee in a safety-sensitive position” and inserting the phrase “employee or volunteer in a safety-sensitive position” in its place.

(2) Paragraph (9) is amended by striking the phrase “referral of an employee ” and inserting the phrase “referral of an employee or volunteer” in its place.

(3) A new paragraph (10A) is added to read as follows:

“(10A) “Volunteer” means the same as provided in section 202(9) of the Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.02(9)), or a student participating through a federal work study program under Title IV of the Higher Education Act of 1965, approved October 17, 1986 (100 Stat. 1308; 20 U.S.C. § 1070 *et seq.*)”.

(b) Section 2032 (D.C. Official Code § 1-620.32) is amended by adding a new subsection (h) to read as follows:

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“(h) A volunteer at a District of Columbia Public School shall not be tested for drug and alcohol use; except, that a volunteer at a District of Columbia Public School may be tested for drug and alcohol use based on reasonable suspicion.”.

(c) Section 2036 (D.C. Official Code § 1-620.36) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended by striking the phrase “Each private” and inserting the phrase “Except as provided in subsection (b) of this section, each private” in its place.

(3) A new subsection (b) is added to read as follows:

“(b) An employee described in subsection (a) of this section who works at a District of Columbia Public School, and is not an employee of a child development facility licensed by the Office of the State Superintendent of Education pursuant to the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215, D.C. Official Code § 7-2031 *et seq.*), shall not be required to take a test for marijuana, unless the test for marijuana is based on reasonable suspicion or is required pursuant to federal law, regulation, contract, or funding agreement.”.

**Sec. 3. Fiscal impact statement.**

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

**Sec. 4. Effective date.**

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,

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1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia