
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1767 Session of
2015

INTRODUCED BY CRUZ, YOUNGBLOOD, V. BROWN, O'BRIEN, BAKER,
D. COSTA, READSHAW, KINSEY, PEIFER, DAVIDSON, MURT, THOMAS,
TRUITT, MAHONEY, MILNE, WARD, ENGLISH, GILLEN AND PHILLIPS-
HILL, DECEMBER 18, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, DECEMBER 18, 2015

AN ACT

1 Requiring the testing of members of the General Assembly for
2 illegal drug use and providing for removal from office.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the General
7 Assembly Drug Testing Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Drug test." A test that involves the collection of a urine
13 sample for the purpose of determining the presence of a
14 controlled substance as defined in section 2 of the act of
15 April 14, 1972 (P.L.233, No.64), known as The Controlled
16 Substance, Drug, Device and Cosmetic Act, that has not been
17 legally prescribed to the member by a licensed physician.

1 "Illegal drug." A controlled substance as defined in section
2 2 of The Controlled Substance, Drug, Device and Cosmetic Act
3 that has not been legally prescribed to the member by a licensed
4 physician.

5 "Illegal drug use." The use of a controlled substance in
6 violation of The Controlled Substance, Drug, Device and Cosmetic
7 Act or any other Federal or State law that has not been legally
8 prescribed to the member by a licensed physician.

9 "Member." Any of the following:

10 (1) Elected member of the Senate.

11 (2) Elected member of the House of Representatives.

12 Section 3. Member drug testing.

13 (a) General rule.--All members shall be subject to mandatory
14 drug testing. Each member shall be tested within three months of
15 taking the oath of office for an initial term and each
16 subsequent term of office thereafter.

17 (b) Requirement.--The Office of the Chief Clerk of the
18 Senate and the Office of the Chief Clerk of the House of
19 Representatives shall use a competitive bid process to contract
20 with a drug testing corporation or company to administer the
21 provisions of this act. The drug testing policy adopted shall be
22 consistent with acceptable Federal and State drug testing
23 standards.

24 (c) Cost.--The cost of drug testing shall be the
25 responsibility of the member. Campaign funds shall not be used
26 for the payment of a member's drug test.

27 Section 4. Ethics investigation.

28 A member shall be subject to a Senate Committee on Ethics and
29 Official Conduct investigation under the Rules of the Senate or
30 a Committee on Ethics of the House of Representatives

1 investigation under the Rules of the House of Representatives
2 if:

3 (1) The drug test comes back positive for illegal drug
4 use.

5 (2) There is any indication of tampering by the member.

6 (3) The member refused to take a drug test.

7 Section 5. Public record.

8 Unless otherwise prohibited by Federal law or the laws of
9 this Commonwealth, the results of a member's drug test shall be
10 available to the public under the act of February 14, 2008
11 (P.L.6, No.3), known as the Right-to-Know Law.

12 Section 6. Severability.

13 The provisions of this act are severable. If any provision of
14 this act or its application to any person or circumstance is
15 held invalid, the invalidity shall not affect other provisions
16 or applications of this act which can be given effect without
17 the invalid provision or application.

18 Section 7. Effective date.

19 This act shall take effect in 60 days.