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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 431 Session of  
2021

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INTRODUCED BY DeLUCA, KINSEY, BURGOS AND GALLOWAY,  
FEBRUARY 8, 2021

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 8, 2021

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AN ACT

1 Providing for the termination of law enforcement officers upon  
2 testing positive for a controlled substance.

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 Law  
7 Enforcement Officer Drug Screening 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 "Controlled substance." A drug, substance or immediate  
13 precursor specified in schedules I, II, III, IV and V of section  
14 4 of the act of April 14, 1972 (P.L.233, No.64), known as The  
15 Controlled Substance, Drug, Device and Cosmetic Act.

16 "Drug." Any of the following:

17 (1) A substance recognized in the official United States  
18 Pharmacopoeia, or official National Formulary, or any

1 supplement to either of them.

2 (2) A substance intended for use in the diagnosis, cure,  
3 mitigation, treatment or prevention of disease in man or  
4 other animals.

5 (3) A substance, other than food, intended to affect the  
6 structure or any function of the human body or other animal  
7 body.

8 (4) A substance intended for use as a component of any  
9 article specified in paragraph (1), (2) or (3), but not  
10 including devices or their components, parts or accessories.

11 "Immediate precursor." A substance which the Secretary of  
12 Health has found to be, and by regulation designates as being, a  
13 principal compound commonly used or produced primarily for use,  
14 and which is an immediate chemical intermediary used or likely  
15 to be used, in the manufacture of a controlled substance.

16 "Law enforcement officer." An individual required to be  
17 trained under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal  
18 police education and training), a Pennsylvania State Police  
19 officer, a probation officer, a prison guard, a parole officer  
20 or an individual who has arrest powers in this Commonwealth.

21 Section 3. Effect of positive test.

22 A law enforcement officer who tests positive for a controlled  
23 substance shall be terminated from employment as a law  
24 enforcement officer in this Commonwealth.

25 Section 4. Effective date.

26 This act shall take effect in 60 days.