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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 620 Session of  
2017

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INTRODUCED BY CRUZ, YOUNGBLOOD, BAKER, KINSEY, MURT, READSHAW,  
GABLER, MILLARD, ENGLISH, THOMAS, KAUFFMAN, DEASY, KORTZ,  
D. COSTA, GILLEN AND NEILSON, FEBRUARY 24, 2017

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 24, 2017

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AN ACT

1 Requiring the testing of members of the General Assembly for  
2 illegal drug use.

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.

17 "Illegal drug." A controlled substance as defined in section

1 2 of The Controlled Substance, Drug, Device and Cosmetic Act  
2 that has not been legally prescribed to the member by a licensed  
3 physician.

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

8 "Member." Any of the following:

9 (1) Elected member of the Senate.

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

11 Section 3. Member drug testing.

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

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

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

26 Section 4. Ethics investigation.

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

1 if:

2 (1) The results of the member's drug test are positive  
3 for illegal drug use.

4 (2) There is any indication of tampering with the drug  
5 test 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. Effective date.

13 This act shall take effect in 60 days.