

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 404 Session of
2011

INTRODUCED BY DeLUCA, D. COSTA, BOBACK, BOYD, KNOWLES, MANN,
READSHAW AND YOUNGBLOOD, FEBRUARY 2, 2011

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 2, 2011

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."

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." A person required to be trained
17 under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police
18 education and training) as well as a Pennsylvania State Police
19 officer, probation officer, prison guard, parole officer and any
20 person 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 his employment as a law
24 enforcement officer in this Commonwealth.

25 Section 4. Effective date.

26 This act shall take effect in 60 days.