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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 2363** Session of  
2008

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INTRODUCED BY DeLUCA, BIANCUCCI, CREIGHTON, FRANKEL, GINGRICH,  
GODSHALL, HARHAI, HARKINS, HENNESSEY, HORNAMAN, KULA,  
MAHONEY, MANN, MICOZZIE, MILLARD, PETRONE, SIPTROTH, THOMAS  
AND J. WHITE, MARCH 17, 2008

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 17, 2008

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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 through V of section 4 of the  
14 act of April 14, 1972 (P.L.233, No.64), known as The Controlled  
15 Substance, Drug, Device and Cosmetic Act.

16 "Drug."

17 (1) A substance recognized in the official United States

1       Pharmacopeia, or official National Formulary, or any  
2       supplement to either of them.

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

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

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

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

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

22       Section 3. Effect of positive test.

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

26       Section 4. Effective date.

27       This act shall take effect in 60 days.