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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 222 Session of  
2019

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INTRODUCED BY CRUZ, YOUNGBLOOD, READSHAW, KINSEY, KORTZ AND  
HILL-EVANS, JANUARY 28, 2019

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 28, 2019

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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." An examination or analysis of a biologic  
13 specimen, including urine, blood, breath, hair, fluid, saliva or  
14 sweat, to detect the presence or absence of an illegal drug or  
15 metabolites. The term is also known as a drug screen.

16 "Illegal drug." A controlled substance as defined in section  
17 2 of the act of April 14, 1972 (P.L.233, No.64), known as The  
18 Controlled Substance, Drug, Device and Cosmetic Act, that has

1 not been legally prescribed to the member by a licensed  
2 physician.

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

7 "Member." Any of the following:

8 (1) Elected member of the Senate.

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

10 Section 3. Member drug testing.

11 (a) General rule.--All members shall be subject to mandatory  
12 drug testing. Each member shall be tested:

13 (1) At a minimum, within three months of taking the oath  
14 of office for an initial term and each subsequent term of  
15 office thereafter.

16 (2) On a random basis regardless of whether a reasonable  
17 likelihood exists of illegal drug use, no more frequently  
18 than every three months, but at least annually.

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

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

29 Section 4. Ethics investigation and findings.

30 (a) Investigation.--A member shall be subject to an

1 investigation by the Committee on Ethics and Official Conduct of  
2 the Senate under the Rules of the Senate or the Committee on  
3 Ethics of the House of Representatives under the Rules of the  
4 House of Representatives if:

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

7 (2) There is any indication of tampering with the drug  
8 test by the member.

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

10 (b) A member shall be subject to the findings of each ethics  
11 investigation and any penalties as adopted through the General  
12 Rules of the Senate or the General Rules of the House of  
13 Representatives, including referral for services and expulsion.  
14 Section 5. Public record.

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

19 Section 6. Effective date.

20 This act shall take effect in 60 days.