

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to
2 general provisions for members of the General Assembly, so as to require mandatory drug
3 testing for members of the General Assembly; to provide for legislative intent; to provide for
4 related matters; to provide for an effective date and applicability; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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8 It is the intent of the members of the General Assembly to lead by example and through their
9 example demonstrate the importance of ensuring a drug-free community. Therefore, the
10 provisions of this Act express the members' full commitment to living drug-free lives. It is
11 the intent of the members of the General Assembly to be subject to the same drug testing
12 requirements to which Georgia residents may be subjected. This Act also expresses and
13 supports the beliefs of the members of the General Assembly that the government plays a
14 vital role in ensuring that persons receiving benefits from the state are not using illegal drugs.

SECTION 2.

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16 Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general
17 provisions for members of the General Assembly, is amended by adding a new Code section
18 to read as follows:

19 "28-1-18.

20 (a) As used in this Code section, the term 'illegal drugs' shall include marijuana as defined
21 in Code Section 16-13-21, a controlled substance as defined Code Section 16-13-21, a
22 dangerous drug as defined in Code Section 16-13-71, or any other controlled substance or
23 dangerous drug that persons are prohibited by state or federal law from using, but shall not
24 include any drug when used pursuant to a valid medical prescription or when used as
25 otherwise authorized by state or federal law.

26 (b) All persons elected to serve as members of the General Assembly in this state shall be
27 subject to mandatory testing for evidence of use of illegal drugs. Each member shall be
28 tested within three months of taking the oath of office for his or her initial term and each
29 subsequent term of office thereafter.

30 (c) On or after January 1, 2013, the General Assembly shall institute a drug testing
31 program for members of the General Assembly. The General Assembly shall be authorized
32 to contract with a private drug testing company for purposes of carrying out the
33 requirements of this Code section. The General Assembly's program for testing for the use
34 of illegal drugs shall be consistent with acceptable drug testing standards for the screening
35 of each member.

36 (d) A member who tests positive for use of an illegal drug shall be subject to removal from
37 office. A member who tests positive for use of an illegal drug and disputes the findings of
38 the test shall be entitled to a hearing before an administrative hearing officer in accordance
39 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

40 (e) The cost of drug testing shall be the responsibility of the member. Campaign funds
41 shall not be used for the payment of a member's drug test.

42 (f) The Senate and the House of Representatives by simple majority vote shall adopt rules
43 consistent with the requirements of this Code section for the implementation and
44 maintenance of a drug testing program. The rules shall specify:

45 (1) Which illegal drugs will be the subject of testing;

46 (2) Methods for assuring minimal privacy intrusions during collection of body fluid
47 specimens for such testing;

48 (3) Methods for assuring proper storage, transportation, and handling of such specimens
49 in order to ensure the integrity of the testing process;

50 (4) The identity of those persons entitled to the results of such tests and methods for
51 ensuring that only authorized persons are given access to such results;

52 (5) A list of laboratories qualified to conduct established drug tests; and

53 (6) Procedures for members of the General Assembly, prior to the collection of body
54 fluid specimens for such testing, to provide information regarding use of any drug
55 pursuant to a medical prescription or as otherwise authorized by law which may affect
56 the results of such test."

57 **SECTION 3.**

58 This Act shall become effective on July 1, 2012, and shall apply to members of the General
59 Assembly elected on or after such date.

