

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.**

15  
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.

