

LOST

Senators Fort of the 39th, Seay of the 34th, Henson of the 41st and Jones of the 10th offered the following amendment:

1 *Amend the Senate Health and Human Services Committee substitute to SB 292 (LC 21*
 2 *1745S) by inserting after "To" at the beginning of line 1 the following:*
 3 provide for drug testing of certain recipients of public funds; to

4 *By inserting after "legislative intent;" on line 1 the following:*
 5 to amend Part 1 of Article 4 of Chapter 2 of Title 21, relating to general provisions relative
 6 to selection and qualification of candidates and presidential electors, so as to provide for
 7 mandatory drug testing for candidates seeking to qualify for nomination or election to certain
 8 state offices; to provide for definitions; to provide for certification of such testing as a
 9 condition of qualification for nomination or election to state office; to provide for payment
 10 of testing costs; to provide for filing, maintenance, and inspection of such certifications; to
 11 provide for powers, duties, and authority of the Secretary of State and the commissioner of
 12 human services with respect to the foregoing;

13 *By replacing "TANF" with "certain public" on line 16.*

14 *By inserting "and compensation for public service in elected office" after "poverty" on line*
 15 *17.*

16 *By deleting "of poverty" on line 18.*

17 *By replacing "adults" with "recipients of public funds who are" on line 20.*

18 *By replacing "parents" with "citizens" on line 21.*

19 *By inserting after Section 2 the following:*

20 **SECTION 2.1.**

21 Part 1 of Article 4 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
 22 relating to general provisions relative to the selection and qualification of candidates and
 23 presidential electors, is amended by adding a new Code section to read as follows:

24 "21-2-140.

25 (a) As used in this Code section, the term:

- 26 (1) 'Candidate' means any person seeking to qualify for nomination or election to a state
27 office in this state.
- 28 (2) 'Established drug test' means the collection and testing of bodily fluids administered
29 in a manner equivalent to that required by the Mandatory Guidelines for Federal
30 Workplace Drug Testing Programs (53 C.F.R. 11979, et seq.) as such existed on January
31 1, 2012, or other professionally valid procedures approved by the commissioner of human
32 services.
- 33 (3) 'Illegal drug' means marijuana or any controlled substance included in Schedule I or
34 II of Code Section 16-13-25 or 16-13-26 but not when used pursuant to a valid
35 prescription or when used as otherwise authorized by state or federal law.
- 36 (4) 'State office' includes the office of any of the following: the Governor, Lieutenant
37 Governor, Secretary of State, Attorney General, State School Superintendent,
38 Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor,
39 Justices of the Supreme Court, Judges of the Court of Appeals, judges of the superior
40 courts, district attorneys, members of the General Assembly, and members of the Public
41 Service Commission.
- 42 (b) Each candidate seeking to qualify for nomination or election to a state office shall as
43 a condition of such qualification be required to certify that such candidate has tested
44 negative for illegal drugs.
- 45 (c) At the time a candidate for state office qualifies for nomination or election, each such
46 candidate shall file a certificate with the officer with whom such candidate qualifies stating
47 that such candidate has been tested for illegal drugs as required under this Code section
48 within 30 days prior to qualifying for nomination or election to state office and that the
49 results of such test are negative. Such certificate shall be in a form approved by the
50 Secretary of State from a laboratory listed by the commissioner of human services under
51 subsection (e) of this Code section. Such tests shall be conducted at the expense of the
52 candidates; provided, however, that upon submission of a valid certificate of negative test
53 results and a valid receipt, a candidate shall be reimbursed by the Secretary of State for the
54 cost of such test in an amount not to exceed \$25.00. No candidate shall be allowed to
55 qualify for nomination or election to a state office unless he or she presents such certificate
56 for filing at the time of such qualification.
- 57 (d) The certificates required under subsection (c) of this Code section shall be filed with
58 the Secretary of State and shall be available for public inspection. If a candidate qualifies
59 with a political party for nomination or election to a state office, such party shall submit
60 all such certifications to the Secretary of State at such time as such candidates are certified
61 by the party to the Secretary of State. Such certificates shall be maintained by the
62 Secretary of State for a period of three years.

63 (e) The commissioner of human services shall be authorized to establish guidelines
64 governing the administration of drug tests performed pursuant to this Code section and
65 shall maintain a list of those laboratories qualified to conduct established drug tests;
66 provided, however, that no laboratory shall be so certified unless that laboratory, on a daily
67 basis, adds one to three blind test samples per shift to its testing program according to the
68 number of tests run in each shift as determined by the laboratory.

69 (f) The commissioner of human services and the Secretary of State shall be authorized to
70 promulgate rules and regulations to carry out the provisions of this Code section."