

SECOND REGULAR SESSION

HOUSE BILL NO. 1648

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRATTIN (Sponsor) AND KOENIG (Co-sponsor).

5279L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 21, 105, and 476, RSMo, by adding thereto three new sections relating to drug testing of certain persons elected to office.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 21, 105, and 476, RSMo, is amended by adding thereto three new sections, to be known as sections 21.045, 105.014, and 476.275, to read as follows:

21.045. 1. Any person running for office as a member of the general assembly, at the time of filing for such office, shall sign an agreement to subjugate himself or herself to random drug testing. If such person refuses to sign the agreement, he or she is prohibited from running for the office in which he or she seeks. Such test shall occur anytime the member holds such office, and the costs of testing shall be paid by the member.

2. To be considered valid, drug tests of the member shall be performed according to methods and devices approved by the state department of health and senior services, and shall be performed by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose.

3. A member testing positive for illegal drugs or drugs that have not been lawfully prescribed to such member shall be expelled with the concurrence of two-thirds of all members elect as provided in Article III, Section 18, of the Missouri Constitution.

4. For purposes of this section, "drug" means marijuana, any narcotic drug or controlled substance as defined in chapter 195, or the metabolite of any such substance.

105.014. 1. Any person running for office as a statewide elected official, at the time of filing for such office, shall sign an agreement to subjugate himself or herself to random drug testing. If such person refuses to sign the agreement, he or she is prohibited from

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 running for the office in which he or she seeks. Such test shall occur anytime the statewide
5 elected official holds such office, and the costs of testing shall be paid by the statewide
6 elected official.

7 2. To be considered valid, drug tests of the statewide elected official shall be
8 performed according to methods and devices approved by the state department of health
9 and senior services, and shall be performed by licensed medical personnel or by a person
10 possessing a valid permit issued by the state department of health and senior services for
11 this purpose.

12 3. A statewide elected official testing positive for illegal drugs or drugs that have
13 not been lawfully prescribed to such elected official shall be subject to impeachment as
14 provided in Article VII, Sections 1 and 2 of the Missouri Constitution.

15 4. For purposes of this section, "drug" means marijuana, any narcotic drug or
16 controlled substance as defined in chapter 195, or the metabolite of any such substance.

476.275. 1. Any person running for office of judge, at the time of filing for such
2 office, shall sign an agreement to subjugate himself or herself to random drug testing. If
3 such person refuses to sign the agreement, he or she is prohibited from running for the
4 office in which he or she seeks. Such test shall occur anytime the judge holds such office,
5 and the costs of testing shall be paid by the judge.

6 2. To be considered valid, drug tests of the judge shall be performed according to
7 methods and devices approved by the state department of health and senior services, and
8 shall be performed by licensed medical personnel or by a person possessing a valid permit
9 issued by the state department of health and senior services for this purpose.

10 3. A judge testing positive for illegal drugs or drugs that have not been lawfully
11 prescribed to such judge shall be subject to impeachment as provided in Article VII,
12 Sections 1 and 2, of the Missouri Constitution.

13 4. For purposes of this section, "drug" means marijuana, any narcotic drug or
14 controlled substance as defined in chapter 195, or the metabolite of any such substance.

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