

As Introduced



130th General Assembly
Regular Session
2013-2014

S. B. No. 212

Senator Turner

Cosponsors: Senators Schaffer, Schiavoni, Kearney

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A B I L L

To enact section 101.48 of the Revised Code to 1
establish a controlled substance assessments and 2
testing for members of the General Assembly. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 101.48 of the Revised Code be enacted 4
to read as follows: 5

Sec. 101.48. (A) As used in this section: 6

(1)(a) Except as provided in division (A)(1)(b) of this 7
section, "controlled substance test failure" means that an 8
individual is determined by a chemical test to have a 9
concentration of any of the controlled substances specified in 10
division (A)(1)(j) of section 4511.19 of the Revised Code, or 11
metabolites of such a controlled substance, in the individual's 12
urine that equals or exceeds any of the applicable levels 13
established in that division for urine. 14

(b) An individual shall not be determined to have a 15
controlled substance test failure if the individual obtained the 16
controlled substance pursuant to a prescription issued by a 17
licensed health professional authorized to prescribe drugs and the 18
individual injected, ingested, or inhaled the controlled substance 19

in accordance with the health professional's directions. 20

(2) "Chemical dependency" means the use of a drug of abuse to 21
the extent that the user becomes physically or psychologically 22
dependent on the drug or endangers the user's health, safety, or 23
welfare or that of others. 24

(3) "Licensed health professional authorized to prescribe 25
drugs" and "prescription" have the meanings defined in section 26
4729.01 of the Revised Code. 27

(B) Beginning with terms of office that commence after the 28
effective date of this section, once each year, each member of the 29
general assembly shall be subject to a controlled substance 30
assessment to determine whether there is reasonable cause to 31
suspect the member has a chemical dependency. The assessment shall 32
be conducted by a qualified individual selected by mutual 33
agreement of the clerks of the senate and house of 34
representatives. If pursuant to an assessment there is reasonable 35
cause to suspect that a member has a chemical dependency, the 36
member shall submit to a controlled substance test to determine 37
whether the member has a controlled substance test failure. The 38
costs of such assessment and testing shall be paid by the member. 39
The member shall be reimbursed the costs of the testing if the 40
member's test does not reveal a controlled substance test failure. 41

(C) Once each calendar quarter on dates selected by mutual 42
agreement of the clerks of the senate and house of 43
representatives, approximately twenty-five per cent of the 44
membership of the general assembly, chosen randomly, shall undergo 45
a controlled substance assessment. If a member submits to a test 46
as determined under division (B) of this section, the test shall 47
be conducted at a laboratory in this state that is accredited by 48
the national institute on drug abuse and has been designated as a 49
testing location by the clerks. 50

(D) Refusal to submit to a controlled substance assessment or test as authorized under this section is an admission that the member has a controlled substance test failure. 51
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(E) If a member of the general assembly is determined by a controlled substance test conducted under this section to have a controlled substance test failure, the member shall do the following: 54
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(1) Take an additional controlled substance test every thirty days until the member no longer has a controlled substance test failure; 58
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(2) Undergo substance abuse counseling provided by, or coordinated through, the employee assistance program established under section 3701.041 of the Revised Code. 61
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Additionally, the member shall be removed from any officer or chairperson position until the member no longer has a controlled substance test failure. The member is not entitled to receive compensation as a member until the member no longer has a controlled substance test failure. 64
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(F) The special nature of being a legislator requires an individual to act within the law, and prohibiting the use of illegal substances is a reasonable requirement for members to be able to fully carry out their official duties. It is the intent of the general assembly that this section is an exercise under Section 6 of Article II, Ohio Constitution, of each house of the general assembly to judge the qualifications of its members by doing the following: 69
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(1) Establishing a substance abuse policy for members of the general assembly; and 77
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(2) Taking disciplinary action against a member who violates the policy. 79
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