

BILL ANALYSIS

Senate Research Center
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S.B. 612
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 612 requires any individual who files to run for any elected state to submit to drug screening and testing. The results must be posted by the Texas Ethics Commission (TEC) 45 days prior to a primary election or 45 days before the general election if there is not a primary election for the office sought by the candidate. TEC can post the results only after the candidate agrees to release the results. The secretary of state will create rules and/or forms needed to waive any privacy issues dealing with medical records. The cost of the drug screening and testing will be paid for by the filing individual.

As proposed, S.B. 612 amends current law relating to a drug testing requirement for candidates for certain public elective offices.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Section 141.005, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 141, Election Code, by adding Section 141.005, as follows:

Sec. 141.005. DRUG SCREENING AND TESTING ELIGIBILITY REQUIREMENT FOR PUBLIC ELECTIVE OFFICE. (a) Requires a candidate for a public elective office to submit to a controlled substance use screening assessment at the time the candidate either files an application for a place on a ballot or makes a declaration of write-in candidacy. Requires a candidate whose controlled substance use screening assessment conducted under this section indicates good cause to suspect the candidate of controlled substance use to submit to a drug test.

(b) Requires the authority with whom the candidate files an application for a place on a ballot or makes a declaration of write-in candidacy to administer a screening assessment or drug test required under this section at the candidate's expense.

(c) Requires the authority that administered the assessment or drug test, after completion of a screening assessment or drug test required under this section, to obtain a waiver of confidentiality from the candidate with respect to the results of the screening assessment or drug test and to submit the results of the screening assessment or drug test to the Texas Ethics Commission (TEC).

(d) Requires TEC to release the results of a candidate's screening assessment and drug test not later than the 45th day before the primary election or the general election, if there is no primary election for the office sought by the candidate.

(e) Provides that a candidate is not eligible for elective office if the candidate refuses to submit to a screening assessment or drug test required by this section or to waive the candidate's privilege of confidentiality with respect to the results of the screening assessment or drug test required by this section.

(f) Requires the secretary of state to adopt rules to administer this section.

(g) Provides that this section does not apply to an office for which the federal or state constitution or a statute outside this code prescribes exclusive eligibility requirements.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.