

By: Lucio

S.B. No. 612

A BILL TO BE ENTITLED

AN ACT

relating to a drug testing requirement for candidates for certain public elective offices.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 141, Election Code, is amended by adding Section 141.005 to read as follows:

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

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

(c) After completion of a screening assessment or drug test required under this section, the authority that administered the assessment or drug test shall:

(1) obtain a waiver of confidentiality from the candidate with respect to the results of the screening assessment

1 or drug test; and

2 (2) submit the results of the screening assessment or  
3 drug test to the Texas Ethics Commission.

4 (d) The Texas Ethics Commission shall release the results of  
5 a candidate's screening assessment and drug test not later than the  
6 45th day before:

7 (1) the primary election; or

8 (2) the general election, if there is no primary  
9 election for the office sought by the candidate.

10 (e) A candidate is not eligible for elective office if the  
11 candidate refuses to:

12 (1) submit to a screening assessment or drug test  
13 required by this section; or

14 (2) waive the candidate's privilege of confidentiality  
15 with respect to the results of the screening assessment or drug test  
16 required by this section.

17 (f) The secretary of state shall adopt rules to administer  
18 this section.

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

22 SECTION 2. The changes in law made by this Act apply only to  
23 the eligibility requirements for a candidate whose term of office  
24 will begin on or after the effective date of this Act. The  
25 eligibility requirements for a candidate whose term of office will  
26 begin before the effective date of this Act are governed by the law  
27 in effect immediately before the effective date of this Act, and the

1 former law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2013.