SENATE BILL NO. 104

Introduced by: Senators Nelson, Jensen (Phil), and Russell and Representatives Brunner, Frye-Mueller, Howard, Marty, Mulally, Pischke, Randolph, and Weis

FOR AN ACT ENTITLED, An Act to require random drug testing of legislators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 2-4 be amended by adding a NEW SECTION to read:

Once each week during the legislative session, the Division of Criminal Investigation shall arrange for a random drug test to be administered to at least three but no more than ten legislators. The test shall be administered at the state capitol, no earlier than 7:00 a.m., nor later than 6:00 p.m.

If the test given to any legislator evidences the use of a controlled substance and if that use is not in accordance with a prescriptive order by a physician or other authorized health care practitioner, the Division of Criminal Investigation shall provide a written copy of the results to the respective presiding officer of the Senate or the House of Representatives. The presiding officer shall read the results, in their entirety, into the record and shall refer the matter to a select committee on discipline and expulsion.

Any charges incurred by the Division of Criminal Investigation in arranging for a random drug test or its administration under this section shall be charged to the Legislative Research

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1 Council.