**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑11‑115 SO AS TO ESTABLISH A MANDATORY PUBLIC SERVANT DRUG PREVENTION AND TESTING PROGRAM FOR ALL STATE EMPLOYEES, OFFICERS, AND ELECTED OFFICIALS; AND BY ADDING SECTION 2‑1‑155 SO AS TO SPECIFY THAT MEMBERS AND EMPLOYEES OF THE GENERAL ASSEMBLY ARE SUBJECT TO THE MANDATORY DRUG PREVENTION AND TESTING PROGRAM.

Whereas, the taxpayers of South Carolina are entitled to a public workforce that is fit for duty and is free from the harmful and dangerous influence of illegal drugs; and

Whereas, the State, as an employer, has an obligation to maintain discipline, health, and safety in the workplace, and to ensure state employees are not engaged in illegal drug use while at work; and

Whereas, illegal drug use has an adverse affect on job performance, including increased injury on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services; and

Whereas, lost productivity due to illegal drug use harms the financial interests of every taxpayer; and

Whereas, the public interacts daily with state employees and, therefore, the risk to public safety is real and substantial if state employees use drugs; and

Whereas, the General Assembly has found that illegal drug use has serious adverse effects upon a significant portion of the workforce in South Carolina; and

Whereas, the State has a special responsibility to the public to ensure prospective employees are drug‑free before they are allowed to enter the State workforce and that existing employees remain drug‑free as long as they are employed by the State; and

Whereas, the State can best fulfill these obligations by requiring preemployment drug testing and periodic, random drug testing of existing state employees; and

Whereas, the taxpayers of South Carolina are entitled to expect that South Carolina’s public sector employers be provided the same tools that are available to private sector employers to ensure their workforce is drug‑free; and

Whereas, preemployment and random drug testing are available to private sector employers and are the best available methods to ensure drug abusers do not enter or remain in the state workforce. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8‑11‑115. (A) The Department of Administration shall within six months from the effective date of this act promulgate regulations to create a set of standards for a public servant drug prevention program requiring mandatory, random drug testing of all state employees and elected officials.

(B) At a minimum, this program shall require:

(1) mandatory testing of all newly hired employees before their employment may begin;

(2) random testing of at ten percent of each agency’s entire workforce, including elected or appointed officials, on an annual basis;

(3) an employee who fails a drug test for the first time to submit to drug rehabilitation counseling and therapy before they may resume their employment with the agency;

(4) an employee who fails a drug test two times within a three‑year span must be terminated;

(5) provisions to ensure the privacy of personnel tested, and these records are exempt from the provisions of the Freedom of Information Act; and

(6) each agency and department shall bear expenses it incurs in implementing its program.

(B) Within six months after the regulations in subsection (A) take effect, each state agency and department shall implement a drug testing program of all employees based on these standards.”

SECTION 2. Chapter 1, Title 2 of the 1976 Code is amended by adding:

“Section 2‑1‑155. Notwithstanding another provision of law, the General Assembly is subject to the requirements mandating creation and use of a public servant drug prevention and testing program, and shall develop such a program.”

SECTION 3. This act takes effect upon approval by the Governor.

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