

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

816B0550

SENATE BILL NO. 104

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

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

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

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

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

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

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



1 Council.