**A** **BILL**

TO AMEND CHAPTER 1, TITLE 7 OF THE 1976 CODE BY ADDING SECTION 7-1-90 TO PROVIDE FOR THE “CANDIDATE VOLUNTARY DRUG TESTING PROGRAM”, TO PROVIDE THAT POPULARLY ELECTED CANDIDATES OR CANDIDATES ELECTED BY THE GENERAL ASSEMBLY MAY SUBMIT THE RESULTS OF A DRUG TEST TO BE PUBLISHED ON THE APPROPRIATE ENTITY’S WEBSITE, AND TO PROVIDE REQUIREMENTS FOR PUBLICATION.

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

SECTION 1. Chapter 1, Title 7 of the 1976 Code is amended by adding:

“Section 7‑1‑90. (A) This section may be cited as the ‘Candidate Voluntary Drug Testing Program’.

(B) Any candidate for a popularly elected office or an office elected by the General Assembly may obtain a test for illegal drugs and submit the results when the candidate files for the office. For popularly elected offices, the results must be submitted to the authority with which the candidate files and forwarded to the State Elections Commission and published on the commission’s website. For offices elected by the General Assembly, the results must be submitted to the committee screening the candidate and published on the General Assembly’s website and included in any screening report on the candidate. The results published on the particular entity’s website must include the candidate’s full name, the office sought, whether or not he tested positive, and any drug for which he tested positive.

(C) In order to be published:

(1) the tested sample must be collected by a physician that observes all submission protocols required by the laboratory that tests the sample, or collected by the laboratory testing the sample, within thirty days prior to or ten days subsequent to filing;

(2) the sample must be tested by a laboratory certified under the National Laboratory Certification Program;

(3) the test must only screen for illegal substances commonly screened for persons performing safety sensitive functions, as provided in 49 C.F.R. 40.85; and

(4) the original certified results form prepared by the laboratory that tested the sample must be submitted by the candidate to the authority with which the candidate files or the screening committee, as appropriate.

(D) For popularly elected offices, the results must be published on the commission’s website no later than thirty days prior to the election. For offices elected by the General Assembly, the results must be published on the General Assembly’s website no later than the release of the screening report on the candidate. The commission or the screening committee, as appropriate, must maintain the results on its respective website and maintain the original certified results form in its records for ninety days after the final election for a particular candidate, at which time the results must be removed from the website and the original certified results form must be destroyed. Upon notification by a candidate who withdraws prior to the election, the commission or the screening committee, as appropriate, must remove the results from the entity’s website and destroy the original results form as soon as possible.

(E) The commission or the screening committee, as appropriate, shall have the final authority to determine whether a candidate’s drug test results meet the requirements of this section for publication.

(F) For purposes of public disclosure, the original certified results form provided at filing is considered a public document but is not subject to disclosure at any time prior to filing.

(G) Any person is immune from civil or criminal liability for the good faith performance of any function authorized or required by this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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