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As Engrossed: S4/4/13
A Bill

SENATE BILL 38

By: Senators J. Hutchinson, Bledsoe, Caldwell, A. Clark, J. Dismang, Hester, Hickey, Holland, Irvin, J. Key, B. King, Maloch, Rapert, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods

For An Act To Be Entitled

AN ACT TO REQUIRE THAT APPLICANTS FOR AND RECIPIENTS OF UNEMPLOYMENT BENEFITS BE TESTED FOR ILLEGAL DRUG USE; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE THAT APPLICANTS FOR AND RECIPIENTS OF UNEMPLOYMENT BENEFITS BE TESTED FOR ILLEGAL DRUG USE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 11-10-507(3)(A), concerning eligibility for receipt of unemployment benefits, is amended to read as follows:

(3) Able to Work and Available for Work.

(A)(i) The worker is unemployed, is physically and mentally able to perform suitable work, and is available for such work.

(ii)(a) “Physically and mentally able to perform suitable work” includes passing a United States Department of Transportation-qualified drug screen or a drug screen approved by the Department of Workforce Services as specified in subdivision (3)(A)(ii)(c) of this section.

(b) An applicant for unemployment benefits shall consent to a random drug screen, as provided in subdivision (A)(ii)(c) of this section, to be tested for illegal drugs through a program established by the Department of Workforce Services.

(c) A drug screen under this subdivision (3)(A)(ii) shall be administered to a random sampling of applicants before



the first weekly benefits payment and before the thirteenth week of weekly benefits payments.

(d) A person who refuses to submit to a drug screen required under subdivision (3)(A)(ii)(b) of this section or who has tested positive for illegal drugs in a drug screen required under subdivision (3)(A)(ii)(b) of this section is not eligible to receive *benefits*.

(e) The results of the drug screen shall not be released or used as evidence for criminal prosecution.

(iii) Mere registration and reporting at a local employment office ~~shall not be~~ is not conclusive evidence of ability to work, availability for work, or willingness to accept work unless the individual is doing those things which a reasonably prudent individual would be expected to do to secure work.

(iv) In determining suitable work under this section and for refusing to apply for or accept suitable work under § 11-10-515, part-time work shall be considered suitable work unless the majority of weeks of work in the period used to determine monetary eligibility is from full-time work.

SECTION 2. DO NOT CODIFY. (a) The Department of Workforce Services shall adopt rules to implement Section 1 of this act.

(b) The rules adopted under this act shall:

(1) List:

(A) Drug screens approved by the department under this act; and

(B) Entities approved by the department to administer drug screens under this act; and

(2) Set out a process for:

(A) Random drug screening of applicants for and recipients of unemployment benefits; and

(B) Approval of:

(i) Drug screens; and

(ii) Entities that administer drug screens.

/s/J. Hutchinson