	Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly. Act 453 of the Regular Session
1	State of Arkansas As Engrossed: H2/27/09
2	87th General Assembly A B1II
3	Regular Session, 2009HOUSE BILL1587
4	
5	By: Representative Tyler
6	
7	
8	For An Act To Be Entitled
9	AN ACT TO CLARIFY THAT EMPLOYER-REQUIRED DRUG
10	TESTS ARE TO BE PROVIDED AT NO COST TO EMPLOYEES;
11	AND FOR OTHER PURPOSES.
12	
13	Subtitle
14	AN ACT TO CLARIFY THAT EMPLOYER-REQUIRED
15	DRUG TESTS ARE TO BE PROVIDED AT NO COST
16	TO EMPLOYEES.
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18	
19	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21	SECTION 1. Arkansas Code § 11-3-203(a), concerning medical
22	examinations as condition for employment, is amended to read as follows:
23	(a)(l) It shall be is unlawful for any person, partnership,
24	association, or corporation, either for himself or in a representative or
25	fiduciary capacity, to require any employee or applicant for employment, as a
26	condition of employment or continued employment, to submit to or take a
27	<i>physical, or medical examination, or drug test</i> unless the examination is
28	provided at no cost to the employee or applicant for employment and unless a
29	true and correct copy, either original or duplicate original, of the
30	examiner's report of the examination is furnished free of charge to the
31	applicant or employee upon a written request of the <i>applicant or employee</i> .
32	(2) It shall further be unlawful for any person, partnership,
33	association, or corporation to require any employee or applicant for
34	employment to pay, either directly or indirectly, any part of the cost of the
35	examination, report, or copy of the report.



1	(3) Notwithstanding subdivision (a)(1) of this section, if an
2	employee tests positive for an illegal drug as defined by rule of the
3	Department of Labor, the employer and employee may agree in writing who will
4	bear the cost of future drug tests or screens required as a condition of
5	continued employment.
6	
7	SECTION 2. Arkansas Code § 11-3-203, concerning medical examinations
8	as condition for employment, is amended to add two additional subsections to
9	read as follows:
10	(c) The Director of the Department of Labor shall administer and
11	enforce this section, including without limitation, by:
12	(1) Adopting administrative rules; and
13	(2) Demanding payment and seeking recovery in a court of
14	competent jurisdiction for charges, fees, wage deductions, or other payments
15	made by employees as a result of an employer's violation of this section.
16	(d) This section does not change the definition of "medical
17	examination" under any other state or federal statute.
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19	/s/ Tyler
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21	APPROVED: 3/18/2009
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