

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 38

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

Amendment No. 1 to Senate Bill No. 38

Amend Senate Bill No. 38 as originally introduced:

Page 1, line 9 through 11, delete the Title and substitute the following:

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

AND

Page 1, lines 15 through 17, delete the Subtitle and substitute the following:

"TO REQUIRE THAT UNEMPLOYMENT BENEFIT APPLICANTS AND RECIPIENTS BE TESTED FOR ILLEGAL DRUG USE AND TO REQUIRE THAT ELECTED PUBLIC OFFICIALS AND PUBLIC EMPLOYEES BE TESTED FOR ILLEGAL DRUG USE."

AND

Page 2, line 32, add the following:

"SECTION 3. Arkansas Code Title 21, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

21-1-106. Drug testing of elected public officials and public employees – Definitions.

(a) As used in this section:

(1) "Elected public official" means the Governor, the Lieutenant Governor, the Secretary of State, the Treasurer of State, the Auditor of State, the Attorney General, the Commissioner of State Lands, a member of the Senate, a member of the House of Representatives, a judge of the district court, a judge of the circuit court, a judge of the Court of Appeals, and a Justice of the Arkansas Supreme Court; and

(2) "Public employee" means any person providing services for



the State of Arkansas, a county, a municipal corporation, or any other political subdivision of this state for which compensation is paid.

(b) Each agency, institution, authority, department, board, commission, bureau, council, or other agency of the state shall establish a drug-testing policy to provide for:

(1) Pre-employment drug testing for a newly elected public official or a prospective public employee, or both; and

(2) Random drug testing of each elected official or public employee, or both, within each agency.

(c) The policy required under subsection (b) of this section shall provide for the potential for an elected public official or a prospective public employee, or both, to be tested at least quarterly.

(d)(1) Each agency, institution, authority, department, board, commission, bureau, council, or other agency of the state shall begin pre-employment drug testing under subdivision (b)(1) of this section immediately upon adoption of a drug testing policy under this section.

(2) Each agency, institution, authority, department, board, commission, bureau, council, or other agency of the state shall begin random drug testing under subdivision (b)(2) of this section no later than sixty (60) days after notification of the new policy to each elected public official or public employee, or both.

SECTION 4. DO NOT CODIFY. (a) Within sixty (60) days after the effective date of this act, each agency, institution, authority, department, board, commission, bureau, council, or other agency of the state shall adopt rules to implement Section 3 of this act.

(b) The rules adopted under Section 3 of this act shall:

(1) List:

(A) Drug screens approved by an agency, institution, authority, department, board, commission, bureau, council, or other agency of the state under Section 3 of this act; and

(B) Entities approved by an agency, institution, authority, department, board, commission, bureau, council, or other agency of the state to administer drug screens under Section 3 of this act; and

(2) Set out a process for:

(A) Random drug screening of new and continuing elected public officials or public employees, or both; and

(B) Approval of:

(i) Drug screens; and

(ii) Entities that administer drug screens."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator S. Flowers

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Secretary