

2 State of Arkansas
3 89th General Assembly
4 Regular Session, 2013

A Bill

DRAFT MGF/NJR
HOUSE BILL

5
6 By: Representative D. Altes

7 Filed with: Arkansas Legislative Council
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO REQUIRE THAT APPLICANTS FOR AND RECIPIENTS
11 OF UNEMPLOYMENT BENEFITS TEST NEGATIVE FOR ILLEGAL
12 DRUG USE; AND FOR OTHER PURPOSES.

13 Subtitle

14
15 AN ACT TO REQUIRE THAT APPLICANTS FOR AND
16 RECIPIENTS OF UNEMPLOYMENT BENEFITS TEST
17 NEGATIVE FOR ILLEGAL DRUG USE.
18

19
20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

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

25 (3) Able to Work and Available for Work.

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

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

33 (b) An applicant for unemployment benefits
34 shall submit to a drug screen to be tested for illegal drugs through a
35 program established by the Department of Workforce Services.

1 (c) A drug screen under this subdivision

2 (3)(A)(ii) shall be:

3 (1) Administered to a random sampling of
4 applicants before the first weekly benefits payment and before the thirteenth
5 week of weekly benefits payments; and

6 (2) Paid for by the applicant.

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

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

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

21
22 SECTION 2. DO NOT CODIFY. (a) The Department of Workforce Services
23 shall adopt rules to implement this act.

24 (b) The rules adopted under this act shall:

25 (1) List:

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

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

30 (2) Set out a process for approval of:

31 (A) Drug screens; and

32 (D) Entities that administer drug screens.

33
34 SECTION 3. This act becomes effective on July 1, 2013.

35
36

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

Referral requested by: Representative Denny Altes
Prepared by: MGF/NJR