

State of Arkansas  
87th General Assembly  
Regular Session, 2009

## A Bill

HOUSE BILL 1587

By: Representative Tyler

### For An Act To Be Entitled

AN ACT TO CLARIFY THAT EMPLOYER-REQUIRED DRUG  
TESTS ARE TO BE PROVIDED AT NO COST TO EMPLOYEES;  
AND FOR OTHER PURPOSES.

### Subtitle

AN ACT TO CLARIFY THAT EMPLOYER-REQUIRED  
DRUG TESTS ARE TO BE PROVIDED AT NO COST  
TO EMPLOYEES.

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

SECTION 1. Arkansas Code § 11-3-203(a)(1), concerning medical  
examinations as condition for employment, is amended to read as follows:

(a)(1) It ~~shall be~~ is unlawful for any person, partnership,  
association, or corporation, either for himself or in a representative or  
fiduciary capacity, to require any employee or applicant for employment, as a  
condition of employment or continued employment, to submit to or take a  
physical or medical examination, including without limitation a drug test,  
unless the examination is provided at no cost to the employee or applicant  
for employment and unless a true and correct copy, either original or  
duplicate original, of the examiner's report of the examination is furnished  
free of charge to the applicant or employee upon a written request of the  
applicant or employee.

SECTION 2. Arkansas Code § 11-3-203, concerning medical examinations  
as condition for employment, is amended to add an additional subsection to  
read as follows:



1       (c) The Director of the Department of Labor shall administer and  
2 enforce this section, including without limitation, by:

3               (1) Adopting administrative rules; and

4               (2) Demanding payment and seeking recovery in a court of  
5 competent jurisdiction for charges, fees, wage deductions, or other payments  
6 made by employees as a result of an employer's violation of this section.