

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.

State of Arkansas
87th General Assembly
Regular Session, 2009

As Engrossed: H2/27/09

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), 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, or 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.

(2) *It shall further be unlawful for any person, partnership,
association, or corporation to require any employee or applicant for
employment to pay, either directly or indirectly, any part of the cost of the
examination, report, or copy of the report.*

(3) Notwithstanding subdivision (a)(1) of this section, if an



1 employee tests positive for an illegal drug as defined by rule of the
2 Department of Labor, the employer and employee may agree in writing who will
3 bear the cost of future drug tests or screens required as a condition of
4 continued employment.

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6 SECTION 2. Arkansas Code § 11-3-203, concerning medical examinations
7 as condition for employment, is amended to add two additional subsections to
8 read as follows:

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

11 (1) Adopting administrative rules; and

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

15 (d) This section does not change the definition of "medical
16 examination" under any other state or federal statute.

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18 /s/ Tyler
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