

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.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H2/27/09

# A Bill

HOUSE BILL 1587

5 By: Representative Tyler  
6  
7

## 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

## Subtitle

13 AN ACT TO CLARIFY THAT EMPLOYER-REQUIRED  
14 DRUG TESTS ARE TO BE PROVIDED AT NO COST  
15 TO EMPLOYEES.  
16  
17  
18

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

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)(1) 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 physical, ~~or~~ medical examination, or drug test 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 applicant or employee.

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.*

36 (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.

5  
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.

17  
18 /s/ Tyler  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36