

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 88th General Assembly  
3 Regular Session, 2011

# A Bill

SENATE BILL 157

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By: Senators B. Pritchard, G. Baker, Bledsoe, Burnett, J. Dismang, Files, Hendren, Holland, J. Hutchinson, Irvin, J. Key, M. Lamoureux, Rapert, B. Sample, J. Taylor, Whitaker, E. Williams  
By: Representatives D. Altes, Baird, Barnett, Biviano, J. Burris, Carnine, Carter, Clemmer, Collins, Deffenbaugh, English, Garner, Gaskill, Hall, Hobbs, D. Hutchinson, Hyde, Lampkin, Lea, Linck, Lovell, Mayberry, McCrary, McLean, Post, G. Smith, Stewart, Summers, T. Thompson, Wagner, Wardlaw, B. Wilkins, Woods

## For An Act To Be Entitled

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

17  
18 AN ACT TO REQUIRE THAT APPLICANTS FOR  
19 UNEMPLOYMENT BENEFITS TEST NEGATIVE FOR  
20 ILLEGAL DRUG USE.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 11-10-507(3)(A), concerning eligibility for  
27 receipt of unemployment benefits, is amended to read as follows:

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

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

31 (ii)(a) "Physically and mentally able to perform  
32 suitable work" includes passing a United States Department of Transportation-  
33 qualified drug screen or a drug screen approved by the Department of  
34 Workforce Services by testing negative for illegal drugs as specified in this  
35 subdivision (3)(A)(i).

36 (b) An applicant for unemployment benefits



1 shall be tested for illegal drugs through a program established by the  
 2 Department of Workforce Services.

3 (c) A drug screen for eligibility under this  
 4 subdivision (3)(A)(ii) shall be:

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

8 (2) Paid for by the applicant.

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

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

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

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

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

27 (1) List:

28 (A) Drug screens approved by the department under this  
 29 act; and

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

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

33 (A) Drug screens; and

34 (D) Drug screen administering entities.

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 36 SECTION 3. This act becomes effective on July 1, 2011.