1	State of Arkansas	*As Engrossed: S2/21/11*
2	88th General Assembly	A Bill
3	Regular Session, 2011	SENATE BILL 157

4

5 By: Senators B. Pritchard, G. Baker, Bledsoe, Burnett, J. Dismang, Files, Hendren, Holland, J.

6 Hutchinson, Irvin, J. Key, M. Lamoureux, Rapert, B. Sample, J. Taylor, Whitaker, E. Williams

7 By: Representatives D. Altes, Baird, Barnett, Biviano, J. Burris, Carnine, Carter, Clemmer, Collins,

8 Deffenbaugh, English, Garner, Gaskill, Hall, Hobbs, D. Hutchinson, Hyde, Lampkin, Lea, Linck, Lovell,

9 Mayberry, McCrary, McLean, Post, G. Smith, Stewart, Summers, T. Thompson, Wagner, Wardlaw, B.

10 Wilkins, Woods

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12 # For An Act To Be Entitled

13   AN ACT TO REQUIRE THAT APPLICANTS FOR AND RECIPIENTS

14   OF UNEMPLOYMENT BENEFITS TEST NEGATIVE FOR ILLEGAL

15   DRUG USE; AND FOR OTHER PURPOSES.

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18 # Subtitle

19   AN ACT TO REQUIRE THAT APPLICANTS FOR

20   UNEMPLOYMENT BENEFITS TEST NEGATIVE FOR

21   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)<u>(i)</u> The worker is unemployed, is physically and

30 mentally able to perform suitable work, and is available for such work.

31   *<u>(ii)(a) "Available for suitable work" includes</u>*

32 *<u>passing a drug screen approved by the Department of Workforce Services by</u>*

33 *<u>testing negative for illegal drugs as specified in this subdivision</u>*

34 *<u>(3)(A)(i).</u>*

35   *<u>(b) An applicant for unemployment benefits</u>*

36 *<u>shall be subject to testing for illegal drugs through a program established</u>*

1 *by the Department of Workforce Services.*
2 *   (c) A drug screen for eligibility under this*
3 *subdivision (3)(A)(ii) shall be:*
4 *   (1) Administered to a random sampling of*
5 *applicants within three (3) weeks after the first weekly benefits payment and*
6 *within three (3) weeks after the thirteenth week of weekly benefits payments;*
7 *and*
8 *   (2) Paid for by the applicant.*
9 *   (d) An applicant who refuses to submit to a*
10 *drug screen required under subdivision (3)(A)(ii)(b) of this section or who*
11 *has tested positive in a drug screen required under subdivision (3)(A)(ii)(b)*
12 *of this section is not eligible to receive benefits until such time as the*
13 *required drug screen is taken and passed.*
14   (iii) Mere registration and reporting at a local
15 employment office shall not be conclusive evidence of ability to work,
16 availability for work, or willingness to accept work unless the individual is
17 doing those things which a reasonably prudent individual would be expected to
18 do to secure work.
19   (iv) In determining suitable work under this section
20 and for refusing to apply for or accept suitable work under § 11-10-515,
21 part-time work shall be considered suitable work unless the majority of weeks
22 of work in the period used to determine monetary eligibility is from full-
23 time work.
24
25   SECTION 2. DO NOT CODIFY. (a) The Department of Workforce Services
26 shall adopt rules to implement this act.
27   (b) The rules adopted under this act shall:
28   (1) List:
29   (A) Drug screens approved by the department under this
30 act; and
31   (B) Entities approved by the department to administer drug
32 screens under this act; and
33   (2) Set out a process for approval of:
34   (A) Drug screens; and
35   (D) Drug screen administering entities.
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1   SECTION 3. This act becomes effective on *January 1, 2012.*

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3   */s/B. Pritchard*

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