

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
4

As Engrossed: S2/21/11 S3/2/11

A Bill

SENATE BILL 157

5 By: Senators B. Pritchard, G. Baker, Bledsoe, J. Dismang, Files, Hendren, Holland, J. Hutchinson, Irvin,
6 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
11

For An Act To Be Entitled

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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16
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Subtitle

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) "Available for suitable work" includes
32 passing a drug screen approved by the Department of Workforce Services by
33 testing negative for illegal drugs as specified in this subdivision
34 (3)(A)(i).

35 (b) An applicant for unemployment benefits
36 shall be subject to testing for illegal drugs through a program established



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.

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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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