

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 *As Engrossed: S2/21/11 S3/2/11 S3/15/11*

2 88th General Assembly

# A Bill

3 Regular Session, 2011

SENATE BILL 157

4

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, *Sanders*

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## 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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## Subtitle

19

AN ACT TO REQUIRE THAT APPLICANTS FOR  
20 UNEMPLOYMENT BENEFITS TEST NEGATIVE FOR  
21 ILLEGAL DRUG USE.

22

23

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.

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

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

35

(b) An applicant for unemployment benefits  
36 shall be subject to testing for the illegal drugs methamphetamine, cocaine,



1 and heroin, through a program established by the Department of Workforce  
2 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 within three (3) weeks after the first weekly benefits payment and  
7 within three (3) weeks after the thirteenth week of weekly benefits payments;  
8 and

9 (2) Paid for by the Department of  
10 Workforce Services.

11 (d) An applicant who refuses to submit to a  
12 drug screen required under subdivision (3)(A)(ii)(b) of this section or who  
13 has tested positive in a drug screen required under subdivision (3)(A)(ii)(b)  
14 of this section is not eligible to receive benefits until such time as the  
15 required drug screen is taken and passed.

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

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

26  
27 SECTION 2. DO NOT CODIFY. (a) The Department of Workforce Services  
28 shall adopt rules to implement this act.

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

30 (1) List:

31 (A) Drug screens approved by the department under this  
32 act; and

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

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

36 (A) Drug screens; and

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(D) Drug screen administering entities.

SECTION 3. This act becomes effective on January 1, 2012.

/s/B. Pritchard