

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 38

4
5 By: Senators J. Hutchinson, Bledsoe, Caldwell, A. Clark, J. Dismang, Hester, Hickey, Holland, Irvin, J.
6 Key, B. King, Maloch, Rapert, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods

For An Act To Be Entitled

9 AN ACT TO REQUIRE THAT APPLICANTS FOR AND RECIPIENTS
10 OF UNEMPLOYMENT BENEFITS BE TESTED FOR ILLEGAL DRUG
11 USE; AND FOR OTHER PURPOSES.

Subtitle

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14 TO REQUIRE THAT APPLICANTS FOR AND
15 RECIPIENTS OF UNEMPLOYMENT BENEFITS BE
16 TESTED FOR ILLEGAL DRUG USE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code § 11-10-507(3)(A), concerning eligibility for
23 receipt of unemployment benefits, is amended to read as follows:

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

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

27 (ii)(a) "Physically and mentally able to perform
28 suitable work" includes passing a United States Department of Transportation-
29 qualified drug screen or a drug screen approved by the Department of
30 Workforce Services as specified in subdivision (3)(A)(ii)(c) of this section.

31 (b) An applicant for unemployment benefits
32 shall submit to a drug screen to be tested for illegal drugs through a
33 program established by the Department of Workforce Services.

34 (c) A drug screen under this subdivision
35 (3)(A)(ii) shall be administered to a random sampling of applicants before
36 the first weekly benefits payment and before the thirteenth week of weekly



1 benefits payments.

2 (d) A person who refuses to submit to a drug
3 screen required under subdivision (3)(A)(ii)(b) of this section or who has
4 tested positive for illegal drugs in a drug screen required under subdivision
5 (3)(A)(ii)(b) of this section is not eligible to receive benefits.

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

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

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17 SECTION 2. DO NOT CODIFY. (a) The Department of Workforce Services
18 shall adopt rules to implement Section 1 of this act.

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

20 (1) List:

21 (A) Drug screens approved by the department under this
22 act; and

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

25 (2) Set out a process for:

26 (A) Random drug screening of applicants for and recipients
27 of unemployment benefits; and

28 (B) Approval of:

29 (i) Drug screens; and

30 (ii) Entities that administer drug screens.

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