

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S4/4/13

A Bill

SENATE BILL 38

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
7

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.
12
13

Subtitle

15 TO REQUIRE THAT APPLICANTS FOR AND
16 RECIPIENTS OF UNEMPLOYMENT BENEFITS BE
17 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 consent to a random drug screen, as provided in subdivision (A)(ii)(c)
33 of this section, to be tested for illegal drugs through a program established
34 by the Department of Workforce Services.

35 (c) A drug screen under this subdivision
36 (3)(A)(ii) shall be administered to a random sampling of applicants before



1 the first weekly benefits payment and before the thirteenth week of weekly
2 benefits payments.

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

7 (e) *The results of the drug screen shall not*
8 *be released or used as evidence for criminal prosecution.*

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

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

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

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

23 (1) List:

24 (A) Drug screens approved by the department under this
25 act; and

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

28 (2) Set out a process for:

29 (A) Random drug screening of applicants for and recipients
30 of unemployment benefits; and

31 (B) Approval of:

32 (i) Drug screens; and

33 (ii) Entities that administer drug screens.

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35 */s/J. Hutchinson*