

1 SB47
2 155753-1
3 By Senator Fielding
4 RFD: Business and Labor
5 First Read: 14-JAN-14
6 PFD: 12/05/2013

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8 SYNOPSIS: Under existing law, there is no requirement
9 that a person applying for or receiving
10 unemployment compensation benefits be tested for
11 illegal substance abuse.

12 This bill would require an applicant for
13 unemployment benefits to be tested for substance
14 abuse if he or she works in an occupation
15 designated by the United States Department of Labor
16 as an occupation for which drug screenings are
17 regularly conducted.

18 This bill would provide that any applicant
19 testing positive for a drug without a valid
20 prescription would be ineligible for unemployment
21 benefits.

22 This bill also would authorize the Alabama
23 Department of Labor to adopt rules to implement
24 this program.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 Relating to unemployment compensation; to require
4 the Alabama Department of Labor to implement and administer a
5 drug screening program for any person applying for
6 unemployment benefits if he or she works in an occupation
7 designated by the United States Department of Labor as an
8 occupation for which drug screenings are regularly conducted;
9 to require the department to provide notice of the drug
10 screening to applicants; to specify who is responsible for
11 costs associated with the drug screening; to provide that an
12 adult testing positive for a drug under this screening program
13 is ineligible to receive benefits; and to authorize the
14 department to adopt rules to implement the act.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. As used in this act, the following words
17 shall have the following meanings:

18 (1) DRUG. Includes all of the following:

19 a. A controlled substance for which a medical
20 prescription or other legal authorization is required for
21 purchase or possession, including, but not limited to: An
22 amphetamine, a tetrahydrocannabinol, oxycodone, cocaine,
23 phencyclidine (PCP), an opiate, a barbiturate, a
24 benzodiazepine, a methamphetamine, a propoxyphene, a tricyclic
25 antidepressant, or a metabolite of any of these substances.

26 b. A drug whose manufacture, sale, use, or
27 possession is forbidden by law.

1 (2) DRUG SCREENING. Any chemical, biological, or
2 physical instrumental analysis administered by a laboratory
3 certified by the United States Department of Health and Human
4 Services or other licensing agency in this state for the
5 purpose of determining the presence or absence of a drug or
6 its metabolites.

7 Section 2. (a) The Alabama Department of Labor shall
8 implement and administer a drug screening program for any
9 person applying for unemployment benefits if he or she works
10 in an occupation designated by the United States Department of
11 Labor as an occupation for which drug screenings are regularly
12 conducted.

13 (b) The cost of the drug screening of each applicant
14 shall be the responsibility of the department.

15 (c) (1) A person who refuses to take a drug screening
16 as required by this section or who delays the drug screening
17 beyond the time set by the department is ineligible to receive
18 unemployment benefits.

19 (2) The department may deny benefits to any
20 applicant based on the positive result of a drug screening
21 conducted by the department in accordance with this section. A
22 positive drug screening shall be deemed to be a failure to
23 accept available suitable work, and shall subject the
24 applicant to disqualification pursuant to Section 25-4-78,
25 Code of Alabama 1975.

1 (3) A person who is denied unemployment compensation
2 benefits under this section may request an administrative
3 hearing to review the denial.

4 (d) The results of a drug screening under this act
5 shall not be admissible in any criminal proceeding, but are
6 admissible without further authentication or qualification in
7 administrative hearings of the department and judicial review
8 of department determinations.

9 (e) The department shall provide notice of the
10 potential for drug screening to applicants unemployment
11 benefits at the time of application. The notice shall advise
12 the person that drug screening may be conducted as a condition
13 for receiving benefits under certain conditions and shall
14 require the applicant to sign a written acknowledgment that he
15 or she has received and understood the required notice under
16 this subsection.

17 (f) The department shall adopt rules for the
18 implementation and administration of this act.

19 Section 3. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.