

## HOUSE BILL NO. HB0202

Unemployment compensation-promoting a drug-free workforce.

Sponsored by: Representative(s) Hornok, Allemand, Andrew, Heiner, Jennings, Knapp, Locke, Penn, Rodriguez-Williams, Singh, Tarver, Trujillo and Winter and Senator(s) Biteman, Bouchard and Hutchings

A BILL

for

1 AN ACT relating to unemployment compensation; requiring  
2 persons receiving unemployment compensation to submit to  
3 drug testing as specified; disqualifying persons who fail  
4 drug tests from unemployment benefits as specified;  
5 authorizing the crediting or refunding of employers'  
6 unemployment compensation contributions as specified;  
7 requiring rulemaking; and providing for effective dates.

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9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 27-3-306 by creating a new subsection  
12 (f), 27-3-311 by creating a new subsection (g) and 27-3-515  
13 by creating a new subsection (d) are amended to read:

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1           27-3-306. Eligibility requirements; waiver or  
2 amendment authorized; unemployed waiting period;  
3 registration and referral for suitable work.

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5           (f) The department shall administer or otherwise  
6 require persons receiving unemployment benefits to submit  
7 to weekly rapid drug testing to screen for the presence of  
8 scheduled drugs according to the Wyoming Controlled  
9 Substances Act of 1971. The department shall disqualify  
10 from unemployment benefits persons who fail a drug test if:

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12           (i) The person was most recently employed by an  
13 employer who complies with an approved drug and alcohol  
14 testing program pursuant to W.S. 27-14-201(o);

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16           (ii) The person is likely to find suitable  
17 employment in an occupation that requires drug testing by  
18 either state or federal law as a condition of employment or  
19 as a condition of holding any license or permit required  
20 for employment in that occupation; or

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1           (iii) The person is likely to find suitable  
2 employment that is listed as extrahazardous pursuant to  
3 W.S. 27-14-108.

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5           **27-3-311. Disqualifications from entitlement;**  
6 **grounds; forfeiture.**

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8           (g) A person who was terminated from employment  
9 because they failed a drug test required by their employer  
10 as a condition of employment, including a drug test  
11 required by state or federal law for their occupation, as a  
12 condition of holding a valid license or permit necessary  
13 for their occupation or as part of an approved drug and  
14 alcohol testing program pursuant to W.S. 27-14-201(o),  
15 shall not be entitled to unemployment benefits until they  
16 have established a new base period as defined by W.S.  
17 27-3-102(a)(i).

18  
19           **27-3-515. Adjustment or refund for erroneous**  
20 **collection or for payments to persons found ineligible;**  
21 **reduction of contributions and interest in certain cases;**  
22 **recovery by department.**

23

1       (d) An employer shall be credited or refunded the  
2 amount of contributions made for the benefit of an employee  
3 who is determined to be ineligible pursuant to W.S.  
4 27-3-306(f). The department shall grant an adjustment  
5 without interest for future contribution payments or if the  
6 adjustment cannot be made, refund the amount without  
7 interest from the fund. This subsection applies only to  
8 payments made by an employer within three (3) years before  
9 the date of application or determination.

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11       **Section 2.** The department of workforce services shall  
12 promulgate all rules necessary to implement this act.

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1           **Section 3.**

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3           (a) Except as otherwise provided by subsection (b) of  
4 this section, this act is effective July 1, 2024.

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6           (b) Sections 2 and 3 of this act are effective  
7 immediately upon completion of all acts necessary for a  
8 bill to become law as provided by Article 4, Section 8 of  
9 the Wyoming Constitution.

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11

(END)