

Amend CSSB 1569, house committee printing, as follows:

(1) In the recital to SECTION 3 of the bill (page 6, line 5), strike "Subsection (d)" and substitute "Subsections (d) and (e)".

(2) In SECTION 3 of the bill, in amended Section 207.021, Labor Code (page 6, between lines 9 and 10), insert the following:

(e) In addition to meeting the requirements of Subsections (a)-(d), to be eligible to receive benefits under this subtitle a claimant must comply with Section 207.026.

(3) On page 6, between lines 9 and 10, immediately after the addition of new Subsection (e), Section 207.021, Labor Code, insert the following:

SECTION \_\_\_\_\_. Subchapter B, Chapter 207, Labor Code, is amended by adding Section 207.026 to read as follows:

Sec. 207.026. REQUIRED DRUG TESTING; DISQUALIFICATION FOR BENEFITS. (a) Each individual who files a claim for benefits under Chapter 208 or receives benefits under this subtitle must submit to drug testing as provided by this section.

(b) The commission by rule shall adopt a drug testing program as part of the requirements for the receipt of benefits under this subtitle. The program must:

(1) comply with the drug testing requirements of 49 C.F.R. Part 382 or other similar national requirements for drug testing programs recognized by the commission; and

(2) be designed to protect the rights of benefit applicants and recipients.

(c) Each individual who files an initial claim under Section 208.001 must successfully pass a drug test conducted by the commission before being eligible to receive benefits.

(d) If an individual who is receiving benefits under this subtitle applies for employment with an employer who requires a preemployment drug test and the individual fails the drug test, the individual must disclose the results of that test to the commission in the manner prescribed by the commission. The individual must disclose the test results within 72 hours of receipt by the individual of the notice that the individual failed the drug test. Except as provided by Subsection (f), an individual described by this subsection who fails a preemployment drug test is disqualified

for benefits under this subtitle until the individual meets the requirements of Subsection (e).

(e) An applicant for or recipient of benefits who does not successfully pass a drug test required under this section is disqualified for benefits. Disqualification under this section continues until the individual has returned to employment and:

(1) worked for six weeks; or

(2) earned wages equal to six times the individual's benefit amount.

(f) Notwithstanding Subsection (d) or (e), an individual is not disqualified for benefits based on a failure to successfully pass a drug test required by this section if, on the basis of evidence presented by the individual, the commission finds that:

(1) the individual is participating in a treatment program for drug abuse; or

(2) the failure to pass the drug test is caused by the use of a drug that was prescribed by a physician as medically necessary for the individual.

(g) Notwithstanding Subsection (f), an individual who fails to report test results to the commission as required by Subsection (d) must repay the commission for any benefits received under this subtitle from the date on which the individual knows or should have known that the individual failed the preemployment drug test until the date on which the commission receives notice that the individual failed the preemployment drug test.

(4) Renumber the SECTIONS of the bill accordingly.