

By: Legler

H.B. No. 1135

A BILL TO BE ENTITLED

AN ACT

relating to required drug testing for applicants and recipients of unemployment compensation benefits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 207.021, Labor Code, is amended by adding Subsection (d) to read as follows:

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

SECTION 2. 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

1 208.001 must successfully pass a drug test conducted by the
2 commission before being eligible to receive benefits.

3 (d) A claimant who receives benefits must submit to random,
4 unannounced drug testing on a periodic basis determined by the
5 commission by rule to be eligible to continue to receive benefits
6 under this subtitle.

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

- 11 (1) worked for six weeks; or
12 (2) earned wages equal to six times the individual's
13 benefit amount.

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

- 18 (1) the individual is participating in a treatment
19 program for drug abuse; or
20 (2) the failure to pass the drug test is caused by the
21 use of a drug that was prescribed by a physician as medically
22 necessary for the individual.

23 SECTION 3. The change in law made by this Act applies only
24 to a claim for unemployment compensation benefits that is filed
25 with the Texas Workforce Commission on or after March 1, 2010.

26 SECTION 4. This Act takes effect September 1, 2009.