

By: Riddle

H.B. No. 1583

A BILL TO BE ENTITLED

AN ACT

1
2 relating to drug use by and drug testing for applicants and
3 recipients of unemployment compensation benefits; providing a
4 criminal penalty.

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

6 SECTION 1. The heading to Section 207.021, Labor Code, is
7 amended to read as follows:

8 Sec. 207.021. BENEFIT ELIGIBILITY CONDITIONS; CRIMINAL
9 PENALTY.

10 SECTION 2. Section 207.021, Labor Code, is amended by
11 adding Subsections (b-1), (d), and (e) to read as follows:

12 (b-1) An individual who refuses to submit to or fails a
13 random drug test required under Section 207.026 is not available
14 for work for purposes of Subsection (a)(4) of this section and is
15 not eligible to receive benefits under this subtitle until the
16 individual has complied with the applicable requirements of Section
17 207.026.

18 (d) In addition to meeting the requirements of Subsections
19 (a)-(c), to be eligible to receive benefits under this subtitle an
20 individual must submit to the commission, in the form and manner
21 prescribed by the commission, an affidavit executed by the
22 individual stating that the individual is not at the time of
23 application using, and will not use during any period for which the
24 individual receives benefits under this subtitle, a substance that

1 is subject to regulation under Chapter 481, Health and Safety Code,
2 that was not prescribed by a physician as medically necessary for
3 the individual. The commission shall adopt rules for the
4 administration of this subsection.

5 (e) An individual commits an offense if the individual
6 submits an affidavit under Subsection (d) and subsequently is
7 disqualified for benefits because the individual failed to pass a
8 drug test required under Section 207.026. An offense under this
9 subsection is a Class B misdemeanor.

10 SECTION 3. Subchapter B, Chapter 207, Labor Code, is
11 amended by adding Section 207.026 to read as follows:

12 Sec. 207.026. RANDOM DRUG TESTING; DISQUALIFICATION FOR
13 BENEFITS. (a) Each individual who files a claim for benefits under
14 Chapter 208 or receives benefits under this subtitle is subject to
15 and, if selected, must submit to random, unannounced drug testing
16 as provided by this section.

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

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

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

25 (c) An applicant for or recipient of benefits who refuses to
26 submit to or does not successfully pass a drug test required under
27 this section is disqualified for benefits. Disqualification under

1 this section continues until the individual has returned to
2 employment and:

- 3 (1) worked for six weeks; or
4 (2) earned wages equal to six times the individual's
5 benefit amount.

6 (d) Notwithstanding Subsection (c), an individual is not
7 disqualified for benefits based on the individual's failure to
8 successfully pass a drug test required by this section if, on the
9 basis of evidence presented by the individual, the commission
10 determines that:

- 11 (1) the individual is participating in a treatment
12 program for drug abuse; or
13 (2) the failure to pass the drug test is caused by the
14 use of a drug that was prescribed by a physician as medically
15 necessary for the individual.

16 (e) Unless Subsection (d) applies, an individual who fails
17 to pass a drug test required under this section must repay the
18 commission for any benefits received under this subtitle for a
19 benefit period since the date on which the individual submitted an
20 affidavit under Section 207.021(d).

21 SECTION 4. The change in law made by this Act applies only
22 to a claim for unemployment compensation benefits that is filed
23 with the Texas Workforce Commission on or after March 1, 2014.

24 SECTION 5. This Act takes effect September 1, 2013.