

BILL ANALYSIS

H.B. 589
By: Burkett
Economic & Small Business Development
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that many companies implement preemployment drug tests, especially in hazardous industries, and believe Texans would benefit from a change in current law regarding unemployment benefits for individuals refusing to take or failing a preemployment drug test. The parties contend that amending the law is necessary for the promotion of personal responsibility for those seeking employment and will help to ensure the integrity of unemployment benefit payments and ensure Texans' ability to find employment in a healthy workplace. H.B. 589 seeks to address these concerns.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 1 of this bill.

ANALYSIS

H.B. 589 amends the Labor Code to establish, for purposes of the disqualification of an individual for benefits under the Texas Unemployment Compensation Act for failure to apply for, accept, or return to work, that an individual is considered to have failed, without good cause, to accept suitable work offered to the individual by an employer if, as a condition of employment, the employer required the individual to submit to a preemployment drug test and the individual refused, without good cause, to submit to the drug test or failed the drug test, unless the failure was caused by the use of a substance that was prescribed by a health care practitioner as medically necessary for the individual.

H.B. 589 requires the Texas Workforce Commission (TWC) by rule to specify the circumstances under which a person is considered to have good cause for refusing to submit to such a drug test and requires the TWC, not later than December 1, 2015, to adopt rules necessary to implement the bill's provisions. The bill's provisions apply only to a claim for unemployment compensation benefits filed with the TWC on or after December 1, 2015.

EFFECTIVE DATE

September 1, 2015.