

By: Burkett, Harless, King of Hemphill,  
et al.

H.B. No. 589

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a disqualification for unemployment benefits for  
3 refusing to take or failing a preemployment drug test.

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

5 SECTION 1. Section 207.047, Labor Code, is amended by  
6 adding Subsections (a-1) and (a-2) to read as follows:

7 (a-1) For purposes of Subsection (a), an individual is  
8 considered to have failed, without good cause, to accept suitable  
9 work offered to the individual by an employer if:

10 (1) as a condition of employment, the employer  
11 required the individual to submit to a preemployment drug test; and

12 (2) the individual:  
13 (A) refused, without good cause, to submit to the  
14 drug test; or

15 (B) failed the drug test, unless the failure was  
16 caused by the use of a substance that was prescribed by a health  
17 care practitioner as medically necessary for the individual.

18 (a-2) The commission by rule shall specify the  
19 circumstances under which a person is considered to have good cause  
20 for refusing to submit to a drug test under Subsection (a-1).

21 SECTION 2. Not later than December 1, 2015, the Texas  
22 Workforce Commission shall adopt rules necessary to implement  
23 Section 207.047(a-1), Labor Code, as added by this Act.

24 SECTION 3. The change in law made by this Act applies only

1 to a claim for unemployment compensation benefits filed with the  
2 Texas Workforce Commission on or after December 1, 2015. A claim  
3 filed before December 1, 2015, is governed by the law in effect on  
4 the date the claim was filed, and the former law is continued in  
5 effect for that purpose.

6 SECTION 4. This Act takes effect September 1, 2015.