

By: Legler

H. B. No. 1135

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

10 SECTION 2. Subchapter B, Chapter 207, Labor Code, is
11 amended by adding Section 207.026 to read as follows:

12 Sec. 207.026. REQUIRED 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 must submit to
15 drug testing as provided by this section.

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

(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.