**South Carolina General Assembly**

119th Session, 2011-2012

**S. 1050**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Bryant and Elliott

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Introduced in the Senate on January 10, 2012

Currently residing in the Senate Committee on **Labor, Commerce and Industry**

Summary: Drug test required for unemployment benefits

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/5/2011 Senate Prefiled

12/5/2011 Senate Referred to Committee on **Labor, Commerce and Industry**

1/10/2012 Senate Introduced and read first time ([Senate Journal‑page 29](file:///h:\sj%20archive\2012\01-10-12.docx))

1/10/2012 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 29](file:///h:\sj%20archive\2012\01-10-12.docx))

**VERSIONS OF THIS BILL**

[12/5/2011](file:///p:\pprever\2011-12\1050_20111205.docx)

**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 35, TITLE 41 OF THE 1976 CODE, RELATING TO REGULAR UNEMPLOYMENT BENEFITS AND CLAIMS FOR UNEMPLOYMENT BENEFITS, BY ADDING SECTION 41‑35‑150, TO PROVIDE THAT EACH APPLICANT FOR UNEMPLOYMENT BENEFITS MUST FIRST UNDERGO A DRUG TEST, TO PROVIDE FOR A PERIOD OF INELIGIBILITY TO RECEIVE BENEFITS FOR AN APPLICANT WHO TESTS POSITIVE FOR CONTROLLED SUBSTANCES, TO PROVIDE FOR NOTICE TO THE APPLICANT PRIOR TO THE TESTING, TO PROVIDE THAT AN APPLICANT MAY DISCLOSE ANY PRESCRIPTION DRUGS THAT THE APPLICANT IS TAKING TO THE PERSON ADMINISTERING THE TEST, AND TO PROVIDE FOR RETESTING AND REAPPLICATION FOR BENEFITS IF THE APPLICANT TESTS POSITIVE FOR CONTROLLED SUBSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 35, Title 41 of the 1976 Code is amended by adding:

“Section 41‑35‑150. (A)(1) The department shall require each individual that applies for unemployment benefits to undergo a drug test consistent with Section 41‑35‑120(3). The applicant must bear the cost of the drug test.

(2) An applicant who tests positive for a controlled substance is ineligible to receive unemployment benefits for twenty weeks beginning on the date that the applicant receives the positive test results, unless the applicant meets the requirements contained in subsection (B)(10).

(B) The department shall:

(1) provide notice of drug testing to each applicant prior to the applicant filing his application. The notice must state that:

(a) drug testing for controlled substances must be conducted as a condition of receiving unemployment benefits;

(b) the applicant must bear the costs associated with the drug test;

(c) if the applicant tests negative for a controlled substance, then the department will increase the amount of the first unemployment benefit payment in an amount equal to the cost of the drug test; and

(d) if the applicant tests positive for a controlled substance, then the applicant will not be eligible for unemployment benefits for twenty weeks unless the applicant can document the successful completion of a substance abuse treatment program offered by a provider approved by the department, in which case the applicant can reapply for unemployment benefits prior to the expiration of twenty weeks.

(2) The applicant must certify, in writing, that he has received the notice contained in item (1).

(C) Prior to the drug test, an applicant may notify the individual administering the test that he is currently taking prescription or over‑the‑counter medication that may impact the test results. The test administrator must notify the department of any prescription or over‑the‑counter medication disclosed by the applicant prior to the test.

(D) An applicant who tests positive for a controlled substance may take another test within twenty‑four hours of the original test. The results of the second test will be used to determine eligibility for unemployment benefits.

(E) An applicant who is ineligible for unemployment benefits pursuant to this section may reapply for benefits:

(1) after the expiration of the twenty‑week period of ineligibility; or

(2) sooner if the applicant can document the successful completion of a substance abuse treatment program offered by a provider approved by the department

(F) An applicant who reapplies for unemployment benefits pursuant to subsection (E)(2) must undergo a drug test for controlled substances as provided in subsection (A). The provisions of subsections (B) through (D) apply to the reapplication process.”

SECTION 2. This act takes effect upon approval by the Governor.

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