~~.Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 4, 2015

**H. 3305**

Introduced by Reps. Lowe, Bingham, Horne and Weeks

S. Printed 3/4/15--H.

Read the first time January 13, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3305) to amend Section 41‑35‑120, as amended, Code of Laws of South Carolina, 1976, relating to the denial of unemployment benefits for an employee who tests, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 41‑35‑120(3)(a)(iii) of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“(iii) insured worker provides a blood, hair, oral fluid, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

(A) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel; and

(B) the test was performed by a laboratory certified to perform such tests by the ~~National Institute on Drug Abuse~~ United States Department of Health and Human Services (HSDHHS)/Substance Abuse Mental Health Services Administration (SAMHSA), the College of American Pathologists or the State Law Enforcement Division; and

(C) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by ~~the National Institute on Drug Abuse~~ USDHHS/SAMHSA;”

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

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 41‑35‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DENIAL OF UNEMPLOYMENT BENEFITS FOR AN EMPLOYEE WHO TESTS POSITIVE FOR ILLEGAL DRUG USE OR THE UNLAWFUL USE OF LEGAL DRUGS, SO AS TO REVISE THE RANGE OF SPECIMENS FROM AN EMPLOYEE THAT MAY BE TESTED TO INCLUDE ORAL FLUIDS.

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

SECTION 1. Section 41‑35‑120(3)(a)(iii) of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“(iii) insured worker provides a blood, hair, oral fluid, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

(A) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel; and

(B) the test was performed by a laboratory certified by the National Institute on Drug Abuse, the College of American Pathologists or the State Law Enforcement Division; and

(C) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by the National Institute on Drug Abuse;”

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

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