**South Carolina General Assembly**

118th Session, 2009-2010

**S. 920**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Thomas and Elliott

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Companion/Similar bill(s): 720

Introduced in the Senate on January 12, 2010

Currently residing in the Senate Committee on **Judiciary**

Summary: Unemployment benefits

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2009 Senate Prefiled

12/9/2009 Senate Referred to Committee on **Judiciary**

1/12/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\01-12-10.docx)‑18

1/12/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\01-12-10.docx)‑18

**VERSIONS OF THIS BILL**

[12/9/2009](file:///p:\pprever\2009-10\920_20091209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑35‑112 SO AS TO REQUIRE A PERSON RECEIVING AN UNEMPLOYMENT BENEFIT SHALL SUBMIT TO DRUG SCREENING AND TO PROVIDE PENALTIES IF HE FAILS THIS DRUG TEST; AND BY ADDING SECTION 43‑5‑300 SO AS TO REQUIRE A PERSON RECEIVING CERTAIN PUBLIC AID OR ASSISTANCE SHALL SUBMIT TO DRUG SCREENING AND TO PROVIDE PENALTIES IF HE FAILS THIS DRUG TEST.

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 41‑35‑112. (A) A person receiving an unemployment benefit shall submit to drug screening to determine whether probable cause exists to believe he is engaged in the use of illegal drugs. The commission must develop and implement a standardized illegal drug screening process approved by the Department of Alcohol and Other Drug Abuse Services designed to assist the commission in making the probable cause determination. If screening indicates that there is probable cause to believe the person is engaged in the use of illegal drugs, the commission must require that he undergo a formal substance abuse assessment that may include drug testing performed by a substance abuse professional certified by the Department of Alcohol and Other Drug Abuse Services.

(B) A person who fails a drug test administered pursuant to subsection (A) must complete a drug treatment program approved by the Department of Alcohol and Other Drug Abuse Services in order to become eligible for unemployment benefits. After completion of the drug treatment program, the person must be subject to random drug testing to maintain eligibility.

(C)(1) A person subject to random testing who fails a random drug test for the first time is ineligible to continue receiving benefits until he completes another drug treatment program approved by the Department of Alcohol and Other Drug Abuse Services and agrees to continue random drug testing.

(2) A person subject to random drug testing that fails a random test for the second time is ineligible for unemployment benefits for twelve months after the last positive drug test.”

SECTION 2. Article 1, Chapter 5, Title 43 of the 1976 Code is amended by adding:

“Section 43‑5‑300. (A) Except as provided in Section 43‑5‑1190, a person eighteen years of age or older who receives a benefit under this chapter shall submit to drug screening to determine whether probable cause exists to believe that he is engaged in the use of illegal drugs. The department must develop and implement a standardized illegal drug screening process approved by the Department of Alcohol and Other Drug Abuse Services designed to assist the commission in making the probable cause determination. If screening indicates that there is probable cause to believe the person is engaged in the use of illegal drugs, the department must require that he undergo a formal substance abuse assessment that may include drug testing performed by a substance abuse professional certified by the Department of Alcohol and Other Drug Abuse Services.

(B) A person who fails a drug test administered pursuant to subsection (A) must complete a drug treatment program approved by the Department of Alcohol and Other Drug Abuse Services in order to become eligible for a benefit under this chapter. After completion of the drug treatment program, the person must be subject to random drug testing to maintain eligibility.

(C)(1) A person subject to random testing who fails a random drug test for the first time is ineligible to continue receiving benefits until he completes another drug treatment program approved by the Department of Alcohol and Other Drug Abuse Services and agrees to continue random drug testing.

(2) A person subject to random drug testing that fails a random test for the second time is ineligible for unemployment benefits for twelve months after the last positive drug test.”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor.

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