**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-112 SO AS TO PROVIDE THAT ALL UNEMPLOYED INSURED WORKERS SHALL PARTICIPATE IN A DRUG SCREENING PROGRAM TO MAINTAIN ELIGIBILITY FOR UNEMPLOYMENT BENEFITS AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE PROGRAM.

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) Upon application for unemployment benefits, an unemployed insured worker must submit himself to drug screening to determine whether probable cause exists to believe that 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.

(1) If screening indicates that there is no probable cause to believe that the person is engaged in the use of illegal drugs, then he must receive his unemployment benefits if he is otherwise eligible.

(2) 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, which 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)(1) 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 shall be subject to random drug testing in order to maintain eligibility.

(C)(1) A person subject to random testing that 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. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑