**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑35‑122 SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL SUSPEND THE BENEFITS OF A PERSON WHO, WHILE RECEIVING BENEFITS, FAILS A DRUG TEST TAKEN AS A CONDITION OF AN APPLICATION FOR EMPLOYMENT, TO PROVIDE THE DEPARTMENT MAY NOT RESTORE THESE SUSPENDED BENEFITS UNTIL THE PERSON HAS SUCCESSFULLY COMPLETED A CERTAIN DRUG TREATMENT PROGRAM AND PASSED A DRUG TEST, TO PROVIDE THE DEPARTMENT MAY NOT PROVIDE OR RESTORE RETROACTIVELY A BENEFIT TO A PERSON FOR A PERIOD IN WHICH HIS BENEFITS ARE SUSPENDED UNDER THIS SECTION, AND TO DEFINE A “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 41‑35‑122. (A) The department shall suspend the benefits of a person who, while receiving benefits, fails a drug test taken as a condition of an application for employment, and may not restore these suspended benefits until the person:

(1) successfully completes an outpatient drug treatment program provided by the Department of Alcohol and Other Drug Abuse Services; and

(2) passes a drug test. The cost of this drug test may not be paid by the department and must be paid by the person seeking restoration of benefits.

(B) The department may not provide or restore retroactively a benefit to a person for a period in which his benefits are suspended pursuant to subsection (A).

(C) For the purposes of this section, ‘drug test’ means a test for the legal drugs used unlawfully performed by a laboratory certified by the National Institute on Drug Abuse, the College of American Pathologists, or the State Law Enforcement Division.”

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

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