

House Bill 1389

By: Representatives Harden of the 28<sup>th</sup>, Pruett of the 144<sup>th</sup>, Morris of the 155<sup>th</sup>, Austin of the 10<sup>th</sup>, Williams of the 178<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,  
2 relating to general provisions relating to public assistance, so as to require random drug  
3 testing for recipients of certain public assistance; to amend Article 7 of Chapter 8 of Title 34  
4 of the Official Code of Georgia Annotated, relating to unemployment compensation benefits,  
5 so as to require random drug testing for recipients of unemployment compensation benefits;  
6 to provide for related matters; to provide for an effective date and applicability; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 7 of Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to  
11 unemployment compensation benefits, is amended by adding a new Code section to read as  
12 follows:

13 "34-8-190.1

14 (a) The Commissioner shall institute a random drug testing program for all claimants or  
15 recipients of unemployment compensation benefits administered under this article.

16 (b) The Commissioner shall deny, or otherwise deem ineligible, any claimant or recipient  
17 of unemployment compensation benefits, if the claimant or recipient fails a drug test for  
18 illegal consumption of any marijuana, dangerous drugs, or controlled substances.

19 (c) Any claimant or recipient of unemployment compensation benefits shall submit at least  
20 once per year to the Commissioner's random drug testing program as a requirement for  
21 eligibility or continued receipt of such benefits. Failure to comply shall be the same as  
22 failing a drug test, and the claimant or recipient shall be considered ineligible for  
23 unemployment compensation benefits until agreeing to submit and passing the  
24 Commissioner's random drug testing program.

25 (d) Any claimant or recipient of unemployment compensation benefits denied, or  
26 otherwise deemed ineligible, by the Commissioner following a failure of a second drug test

27 as required by the drug testing program shall be ineligible to receive, or prohibited from  
 28 reapplying for, such benefits for a period of two years from the date that the Commissioner  
 29 denied a claimant or recipient's claim or determined the claimant or recipient to be  
 30 ineligible pursuant to this Code section. Any claimant denied or deemed to be ineligible  
 31 under this Code section shall submit to a mandatory drug test as part of a reapplication for  
 32 unemployment compensation benefits.

33 (e) The Commissioner shall be responsible for ensuring that claimants and recipients  
 34 chosen for drug testing are selected at random, and not by any other criteria, including, but  
 35 not limited to, suspicion of drug use, previous drug use, or criminal conviction for drug use  
 36 or possession.

37 (f) The Commissioner shall be responsible for ensuring the confidentiality of any and all  
 38 drug test results administered as part of the program. Random drug test results shall only  
 39 be used for the purpose of denying, or determining eligibility for continued receipt of,  
 40 unemployment compensation benefits. At no time shall drug test results be released to any  
 41 public or private person or entity except as requested by the person tested or the  
 42 Department of Human Services.

43 (g) The costs of the drug test administered pursuant to this Code section shall be paid for  
 44 by the claimant or recipient or deducted from unemployment benefits provided to the  
 45 recipient."

## 46 SECTION 2.

47 Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to  
 48 general provisions relating to public assistance, is amended by adding a new Code section  
 49 to read as follows:

50 "49-4-3.1.

51 (a) The Department of Human Services shall institute a random drug testing program for  
 52 all applicants for, or recipients of, state public assistance and state administered federal  
 53 public assistance where the applicant or recipient is 18 years of age or older; provided,  
 54 however, that the provisions this subsection shall not apply to any public assistance related  
 55 to the provision of medical care or any public assistance provided, directly or indirectly,  
 56 for the benefit of persons under the age 18.

57 (b) The department shall deny, or otherwise deem ineligible, any applicant for, or recipient  
 58 of, such state assistance or state administered federal assistance, if the applicant or recipient  
 59 fails a drug test for illegal consumption of any marijuana, dangerous drugs, or controlled  
 60 substances.

61 (c) Any applicant or recipient of state assistance or state administered federal assistance  
 62 shall submit at least once per year to the department's random drug testing program as a

63 requirement for eligibility or continued receipt of such assistance. Failure to comply shall  
64 be the same as failing a drug test and the applicant or recipient shall be considered  
65 ineligible for state assistance or state administered federal assistance until agreeing to  
66 submit and passing the department's random drug testing program.

67 (d) Any applicant or recipient of state assistance or state administered federal assistance  
68 denied, or otherwise deemed ineligible, by the department following a failure of a second  
69 drug test as required by the drug testing program shall be ineligible to receive, or prohibited  
70 from reapplying for, such benefits for a period of two years from the date that the  
71 department denied an applicant's claim or determined the applicant to be ineligible pursuant  
72 to this Code section. Any applicant denied or deemed to be ineligible under this Code  
73 section shall submit to a mandatory drug test as part of a reapplication for state assistance  
74 or state administered federal assistance or both.

75 (e) The department shall be responsible for ensuring that applicants and recipients chosen  
76 for drug testing are selected at random, and not by any other criteria, including, but not  
77 limited to, suspicion of drug use, previous drug use, or criminal conviction for drug use or  
78 possession.

79 (f) The department shall be responsible for ensuring the confidentiality of any and all drug  
80 test results administered as part of the program. Random drug test results shall only be used  
81 for the purpose of denying, or determining eligibility for continued receipt of, state public  
82 assistance or state administered federal public assistance or both. At no time shall drug test  
83 results be released to any public or private person or entity except as requested by the  
84 person tested or the Department of Labor.

85 (g) The costs of the drug test administered pursuant to this Code section shall be paid by  
86 the applicant or recipient or deducted from benefits provided to the recipient."

87 **SECTION 3.**

88 This Act shall become effective on January 1, 2011, and apply to applicants, claimants, and  
89 recipients on or after such date.

90 **SECTION 4.**

91 All laws and parts of laws in conflict with this Act are repealed.