

House Bill 697

By: Representative Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "34-8-190.1.

12 (a) The Commissioner shall institute a random drug testing program for recipients of
13 unemployment compensation benefits administered under this article.

14 (b) The Commissioner shall deem ineligible for continuing unemployment compensation
15 benefits any recipient of such benefits if the recipient fails a drug test for illegal
16 consumption of any marijuana, dangerous drug, or controlled substance.

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

23 (d) Any recipient of unemployment compensation benefits deemed ineligible for benefits
24 by the Commissioner following a failure of a drug test as provided in subsection (b) of this
25 Code section shall be ineligible to receive such benefits for a period of time determined by
26 the Commissioner; provided, however, that such time period shall be the maximum period

27 of time permitted under federal law for a failure to satisfy conditions of continuing benefits
28 but in no case shall such period of time exceed two years from the date that the
29 Commissioner found a recipient ineligible for benefits pursuant to this Code section.

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

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

39 (g) The costs of the drug test administered pursuant to this Code section shall be deducted
40 from the unemployment benefits provided to the recipient."

41 **SECTION 2.**

42 This Act shall become effective on January 1, 2013, and apply to recipients of unemployment
43 compensation benefits on or after such date.

44 **SECTION 3.**

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