

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH90083-LR-97C (03/24)

Short Title: Ready for Work/UI Drug Testing. (Public)

Sponsors: Representatives H. Warren, Cleveland, Hager, and Lewis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCLUDE PERIODIC DRUG TESTING AMONG THE CONDITIONS
3 REQUIRED FOR ELIGIBILITY TO RECEIVE UNEMPLOYMENT INSURANCE
4 BENEFITS IN ORDER TO ENSURE THAT RECIPIENTS ARE ABLE AND
5 AVAILABLE TO WORK.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 96-13 is amended by adding a new subsection to read:
8 **"§ 96-13. Benefit eligibility conditions.**

9 (a) An unemployed individual shall be eligible to receive benefits with respect to any
10 week only if the Commission finds that –

11 ...

12 (2a) Upon the initial filing of a claim for unemployment benefits, the individual
13 must submit to and pass a drug test to establish that the individual is able and
14 available for work, providing the former employer agrees to pay for the drug
15 test. Should the employer decline to pay for drug testing, the claim may
16 proceed through regular eligibility procedures.

17 a. An employer may request and pay for a drug test at the appeal stage
18 of a claim for benefits.

19 b. A claimant may refute the results of a positive drug test by
20 submitting to a second drug test, at the claimant's own expense, at a
21 State-approved testing facility. The claimant may be eligible for
22 benefits upon presentation and acceptance of the new test results if
23 that test is negative.

24 c. All claimants who are awarded benefits are automatically subject to
25 submitting to random drug tests that may be required during such
26 time as the claimant is receiving benefits. The cost of the drug test
27 will be deducted from the last check of a claimant who fails the
28 random drug test. All benefits will be suspended until such time as
29 one or more of the conditions in sub-subdivision g. of subdivision
30 (2a) of this subsection are met. The State is responsible for the cost
31 of drug testing claimants who successfully pass the test.

32 d. A claimant who fails the random drug test may challenge the test
33 results by submitting to and paying for a second drug test from a
34 State-approved testing facility within 48 hours or at the earliest
35 availability of the testing facility, not to exceed 72 hours. The



- 1 claimant's benefits will resume upon presentation and acceptance of
2 the new test results if the claimant tests negative.
- 3 e. If an individual fails a pre-hire or post-offer drug test as required by a
4 prospective employer as a prerequisite to hiring, or refuses to submit
5 to a drug test, the claimants benefits will be suspended until such
6 time as one or more of the conditions in sub-subdivision g. of
7 subdivision (2a) of this subsection are met. The employer is required
8 to report to the Commission the name and contact information of any
9 job applicant currently receiving unemployment benefits who fails or
10 refuses to take the drug test.
- 11 f. A claimant who is denied benefits on the basis of drug test results
12 may reapply but will be required to submit to and pay for a new drug
13 test. Any disqualification resulting from a failed drug test may be
14 adjudicated pursuant to G.S. 96-15 only on the basis that the drug test
15 was in error or the period of disqualification was not imposed in
16 connection with a failed drug test.
- 17 g. Notwithstanding the provisions of sub-subdivisions a. through e. of
18 this subdivision, an individual is not disqualified for benefits based
19 on a failure to successfully pass a drug test as required by this
20 subsection if, on the basis of evidence presented by the individual,
21 the Commission finds any of the following:
- 22 1. The individual is participating satisfactorily in a treatment
23 plan for drug or alcohol abuse.
- 24 2. The failure to pass the drug test is found to have been caused
25 by the lawful use of a drug prescribed by a licensed physician
26 as medically necessary for that individual.
- 27 3. The individual submits to and tests negatively for drug abuse.
28 The testing must be done at a State-approved agency and paid
29 for by the claimant. A claimant who refuses to submit to a
30 drug test is automatically ineligible to receive unemployment
31 benefits until such time as the claimant submits to and test
32 negatively for drugs.
- 33 h. The Commission shall adopt rules to carry out the purposes of this
34 subsection. At a minimum, the rules adopted by the Commission
35 shall provide for the following:
- 36 1. A listing of acceptable drug test laboratories from which an
37 individual may obtain drug testing.
- 38 2. The manner in which drug test results are to be received and
39 reviewed by the Commission.
- 40 i. For the purpose of this subsection, the term "drug test" refers to a test
41 that contains at least a nine-drug panel that test for one or more of the
42 following substances:
- 43 1. Amphetamines.
- 44 2. Cocaine.
- 45 3. Opiates.
- 46 4. Barbiturates.
- 47 5. Cannabinoids (THC).
- 48 6. Benzodiazepines.
- 49 7. Phencyclidine.
- 50 8. Methadone.
- 51 9. Propoxyphene."

1 **SECTION 2.** This act is effective when it becomes law and applies to claims made
2 on or after that date.