

House File 2038 - Introduced

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BY IVERSON and ARNOLD

A BILL FOR

1 An Act requiring random drug testing for recipients of
2 unemployment compensation benefits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 96.5, Code 2011, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 11. *Drug testing.* If, pursuant to section
4 96.5A, the department determines that an individual receiving
5 benefits has a confirmed positive test result for a drug
6 that was not lawfully prescribed for the person. The period
7 of ineligibility shall continue until the individual has a
8 negative test result for the drug for which the individual had
9 a confirmed positive test result.

10 Sec. 2. NEW SECTION. 96.5A **Drug testing.**

11 1. For the purposes of this section, unless the context
12 otherwise requires, "*drug*" means the same as defined in section
13 730.5.

14 2. As a condition of eligibility for an individual seeking
15 benefits under this chapter, the individual shall agree to
16 participate in drug testing in accordance with this section.

17 3. The department shall implement a program of drug testing
18 of persons subject to subsection 2. The program shall include
19 but is not limited to all of the following:

20 a. Random drug testing of individuals receiving benefits.

21 b. Drug testing shall include confirmation of any
22 initial positive test results. Any confirmatory test shall
23 be performed using a chromatographic technique such as gas
24 chromatography/mass spectrometry, or another comparably
25 reliable analytical method.

26 4. An individual subject to the provisions of subsection 2
27 who has a confirmed positive test result for a drug that was
28 not lawfully prescribed for the individual shall be ineligible
29 for benefits pursuant to section 96.5, subsection 11. The
30 period of ineligibility shall continue until the individual has
31 a negative test result for the drug for which the individual
32 had a confirmed positive test result.

33 5. An individual's positive test result obtained under this
34 section shall not be used as evidence in any criminal action
35 involving the individual.

1 6. The department shall adopt rules to administer this
2 section. The rules shall include but are not limited to
3 procedures for conducting drug tests, which shall be consistent
4 with the requirements for drug testing provided in section
5 730.5, and such other procedures to administer this section in
6 a fair and reliable manner.

7

EXPLANATION

8 This bill establishes a requirement for random drug testing
9 of individuals receiving unemployment compensation benefits.

10 The bill defines the term "drug" as having the same meaning
11 as the definition in Code section 730.5, relating to private
12 sector drug-free workplaces, which is any drug on schedules
13 I through V of the federal Controlled Substances Act. In
14 addition, the bill provides that the drug testing procedures
15 shall be consistent with the drug testing requirements provided
16 in Code section 730.5 concerning private sector workplaces.

17 New Code section 96.5A establishes a drug testing
18 requirement for individuals receiving unemployment compensation
19 benefits. Code section 96.5 is amended to provide that an
20 individual is disqualified for unemployment compensation
21 benefits if the individual has a confirmed positive drug test
22 which disqualification shall continue until the individual has
23 a negative test result for that drug.

24 The department of workforce development is required to
25 implement a drug testing program for the persons subject to the
26 eligibility requirement. The program is to include random drug
27 testing of participants. Drug testing includes confirmation of
28 any positive result with a chromatographic/mass spectrometry
29 technique or comparable method.

30 The bill prohibits a person's positive test result obtained
31 under the bill's provisions from being used as evidence in any
32 criminal action involving the person.

33 The department is directed to adopt rules to administer the
34 provisions of the bill.