

House Bill 3346

Sponsored by Representatives FLORES, HANNA

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires individual to take drug test to be eligible for unemployment insurance benefits under certain conditions. Makes individual who tests positive for unlawful drug ineligible for benefits until individual tests negative and completes drug abuse treatment program. Makes individual who has tested positive for unlawful drug subject to random drug testing. Requires Employment Department to pay cost of drug tests. Requires Director of Employment Department to adopt rules.

A BILL FOR AN ACT

1
2 Relating to eligibility for unemployment insurance benefits.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 657.**

5 **SECTION 2. (1) As used in this section:**

6 (a) "Clinical laboratory" means a clinical laboratory licensed under ORS 438.010 to
7 **438.510.**

8 (b) "Drug test" means a test for a controlled substance as defined in ORS 475.005.

9 (c) "Recognized drug abuse treatment program" means a drug abuse treatment program
10 **authorized under the law of this or another state.**

11 (d) "Unlawful drug" means a drug that is unlawful for the individual to use, possess or
12 **distribute under Oregon law.**

13 (2) **An individual who is otherwise eligible for unemployment insurance benefits is ineli-**
14 **gible for benefits until the individual has taken a drug test conducted by a clinical laboratory**
15 **if:**

16 (a) **The Employment Department has probable cause to believe the individual is using**
17 **unlawful drugs; or**

18 (b) **The individual, within the five-year period immediately preceding the date the indi-**
19 **vidual applied for benefits, has been:**

20 (A) **Disqualified from the receipt of benefits for committing a disqualifying act described**
21 **in ORS 657.176 (9) or (10); or**

22 (B) **Convicted of a drug-related crime.**

23 (3) **If the individual tests negative for unlawful drugs, the individual is no longer ineligible**
24 **for benefits under subsection (2) or (6) of this section.**

25 (4) **If the individual tests positive for an unlawful drug, the individual is ineligible for**
26 **benefits until the individual:**

27 (a) **Takes a drug test conducted by a clinical laboratory and tests negative for unlawful**
28 **drugs; and**

29 (b) **Completes a recognized drug abuse treatment program.**

30 (5) **Upon testing negative for unlawful drugs and completing a recognized drug abuse**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **treatment program, the individual is no longer ineligible for benefits under subsection (4) of**
2 **this section.**

3 **(6) When an individual who was previously ineligible for benefits under subsection (4) of**
4 **this section begins receiving benefits, the individual is subject to random drug tests con-**
5 **ducted by a clinical laboratory. When the department has randomly selected an individual for**
6 **a drug test, the individual is ineligible for further benefits until the individual has taken the**
7 **drug test. Subsections (3), (4) and (5) of this section apply to a random drug test conducted**
8 **under this subsection.**

9 **(7) The department shall pay the cost of drug testing required under this section.**

10 **(8) The Director of the Employment Department shall adopt rules to carry out the pro-**
11 **visions of this section, including procedures for randomly selecting individuals for drug tests**
12 **under subsection (6) of this section.**

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