

## Session 119 - (2011-2012)

**H 4043 General Bill, By Tallon, Patrick, Pinson, Allison, V.S. Moss, Atwater, Brannon, Chumley, Bingham, Ballentine, Cole, Horne, Young, Hixon, Clemmons, Toole, Erickson, D.C. Moss and Frye**

**Similar (S 0532)**

**Summary:** Suspend the benefits of a person who fails a drug test for employment

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-122 SO AS TO PROVIDE THAT AN EMPLOYER MAY CONFIDENTIALLY NOTIFY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE WHEN A PROSPECTIVE EMPLOYEE FAILS A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT IF THE PROSPECTIVE EMPLOYEE IS RECEIVING UNEMPLOYMENT BENEFITS, TO PROVIDE THE DEPARTMENT SHALL SUSPEND THE BENEFITS OF A PERSON WHO, WHILE RECEIVING BENEFITS, FAILS A DRUG TEST TAKEN AS A CONDITION OF AN APPLICATION FOR EMPLOYMENT, TO PROVIDE THE DEPARTMENT MAY NOT RESTORE THESE SUSPENDED BENEFITS UNTIL THE PERSON HAS SUCCESSFULLY COMPLETED A CERTAIN DRUG TREATMENT PROGRAM AND PASSED A DRUG TEST, TO PROVIDE THE DEPARTMENT MAY NOT PROVIDE OR RESTORE RETROACTIVELY A BENEFIT TO A PERSON FOR A PERIOD IN WHICH HIS BENEFITS ARE SUSPENDED UNDER THIS SECTION, TO PROVIDE THE DEPARTMENT SHALL DEVELOP A CONSENT FORM THAT AN EMPLOYER MAY USE TO OBTAIN THE CONSENT OF A PROSPECTIVE EMPLOYEE TO GIVE THE DEPARTMENT THE RESULTS OF A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT, TO PROVIDE THAT THE USE OF THIS CONSENT FORM LIMITS THE LIABILITY OF THE EMPLOYER FOR BREACH OF CONFIDENTIALITY, INVASION OF PRIVACY, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, AND DEFAMATION CLAIMS RESULTING FROM THE PROVISION OF THE DRUG TEST RESULTS TO THE DEPARTMENT, AND TO DEFINE A "DRUG TEST".

04/06/11	House	Introduced and read first time (House Journal-page 72)
04/06/11	House	Referred to Committee on Judiciary (House Journal-page 72)
01/26/12	House	Member(s) request name added as sponsor: Young
01/31/12	House	Member(s) request name added as sponsor: Hixon, Clemmons
02/07/12	House	Member(s) request name added as sponsor: Toole
02/09/12	House	Committee report: Favorable with amendment Judiciary (House Journal-page 4)
02/10/12		Scrivener's error corrected
02/21/12	House	Member(s) request name added as sponsor: Toole, Erickson
02/22/12	House	Requests for debate-Rep(s). Hixon, Taylor, Owens, Gilliard, Mack, Lucas, McCoy, Horne, Allen, Dillard, Weeks, Knight, King, Johnson, Sabb, Parker, Allison, Forrester, J. H. Neal, Govan, Pinson, Parks, Chumley, Danning, Brantley, Alexander, Jefferson, Tallon, Young, Skelton, R. L. Brown, Anderson, Whipper, Brannon, McLeod and Crosby (House Journal-page 107)
02/22/12	House	Debate adjourned until Thur, 02-23-12 (House Journal-page 167)
03/01/12	House	Debate adjourned until Tues., 03-06-12 (House Journal-page 45)
03/01/12	House	Member(s) request name added as sponsor: D.C.Moss
03/07/12	House	Debate adjourned (House Journal-page 27)
03/08/12	House	Debate adjourned until Tues., 03-20-12 (House Journal-page 48)
03/08/12	House	Member(s) request name added as sponsor: Frye
03/21/12	House	Debate adjourned until Thur., 03-22-12 (House Journal-page 84)
03/22/12	House	Debate adjourned until Tues., 03-27-12 (House Journal-page 57)
03/29/12	House	Amended (House Journal-page 60)
03/29/12	House	Read second time (House Journal-page 79)
03/29/12	House	Roll call Yeas-70 Nays-24 (House Journal-page 78)
03/30/12		Scrivener's error corrected
04/18/12	House	Read third time and sent to Senate (House Journal-page 35)
04/18/12	House	Roll call Yeas-105 Nays-0 (House Journal-page 36)
04/18/12	Senate	Introduced and read first time (Senate Journal-page 7)
04/18/12	Senate	Referred to Committee on Labor, Commerce and Industry (Senate Journal-page 7)
05/30/12	Senate	Committee report: Favorable with amendment Labor, Commerce and Industry (Senate Journal-page 12)
06/06/12	Senate	Read second time (Senate Journal-page 120)