

AMENDMENT TO H.R. 1745
OFFERED BY MR. BILIRAKIS OF FLORIDA

At the end of title I, add the following:

1 **SEC. 108. DENIAL OF UNEMPLOYMENT COMPENSATION TO**
2 **INDIVIDUALS DISCHARGED FOR DRUG OR AL-**
3 **COHOL USE.**

4 (a) IN GENERAL.—Subsection (a) of section 3304 of
5 the Internal Revenue Code of 1986 is amended—

6 (1) by inserting “except as provided in para-
7 graph (15),” before “compensation shall not”,

8 (2) by redesignating paragraphs (15) through
9 (19) as paragraphs (16) through (20), respectivley,
10 and

11 (3) by inserting after paragraph (14) the fol-
12 lowing new paragraph:

13 “(15) compensation shall not be payable to any
14 individual on the basis of any services performed in
15 connection with employment from which the indi-
16 vidual was discharged for an employment-related
17 drug or alcohol offense (as defined in subsection
18 (g)),”.

1 (b) EMPLOYMENT-RELATED DRUG OR ALCOHOL OF-
2 FENSE.—Section 3304 of such Code is amended by adding
3 at the end the following new subsection:

4 “(g) EMPLOYMENT-RELATED DRUG OR ALCOHOL
5 OFFENSE.—

6 “(1) IN GENERAL.—For purposes of subsection
7 (a)(15), the term ‘employment-related drug or alco-
8 hol offense’ includes but is not limited to the fol-
9 lowing:

10 “(A) Being under the influence of, or con-
11 suming or otherwise using, alcohol or any con-
12 trolled substance while performing services for
13 the employer.

14 “(B) Possessing any controlled substance
15 on the premises of the employer.

16 “(C) Failure to comply with a request by
17 the employer to take a drug test.

18 “(D) Testing positive for illegal use of a
19 controlled substance pursuant to a drug test re-
20 quested by the employer.

21 “(2) CONTROLLED SUBSTANCE.—For purposes
22 of this subsection, the term ‘controlled substance’
23 has the meaning given such term under applicable
24 State law.

1 “(3) DRUG TEST.—For purposes of this sub-
2 section, the term ‘drug test’ means a test designed
3 to detect the illegal use of a controlled substance.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to compensation paid for weeks
6 beginning after the end of the first session of the State
7 legislature which begins after the date of the enactment
8 of this Act.

