

116TH CONGRESS  
1ST SESSION

# H. R. 1121

To amend title III of the Social Security Act to permit States to conduct substance abuse risk assessments and targeted drug testing as a condition for the receipt of unemployment benefits, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2019

Mr. CARTER of Georgia (for himself, Mr. CHABOT, Mr. ALLEN, Mr. COLE, Mr. LOUDERMILK, Mr. WESTERMAN, Mr. DUNCAN, Mr. ROUZER, Mr. MITCHELL, Mr. WRIGHT, Mr. DESJARLAIS, and Mr. WEBER of Texas) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

# A BILL

To amend title III of the Social Security Act to permit States to conduct substance abuse risk assessments and targeted drug testing as a condition for the receipt of unemployment benefits, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*

2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Ensuring Quality in

5       the Unemployment Insurance Program (EQUIP) Act”.

1 **SEC. 2. DRUG SCREENING MADE A CONDITION OF BENEFIT**2 **RECEIPT.**3 (a) IN GENERAL.—Section 303(l) of the Social Secu-  
4 rity Act (42 U.S.C. 503(l)) is amended to read as follows:5 “(l)(1) Nothing in this Act or any other provision of  
6 Federal law shall be considered to prevent a State from  
7 enacting legislation to provide for testing an applicant for  
8 unemployment compensation for the unlawful use of con-  
9 trolled substances as a condition for receiving such com-  
10 pensation, including legislation that provides for the fol-  
11 lowing procedures:12 “(A) No regular compensation may be paid to  
13 an applicant for such compensation with respect to  
14 a benefit year unless, before the receipt of any such  
15 compensation—16 “(i) the applicant has completed a sub-  
17 stance abuse risk assessment for such benefit  
18 year; and19 “(ii) subject to subparagraph (B), if the  
20 State determines based on the results of such  
21 assessment that the applicant is a high-risk ap-  
22 plicant, not later than 1 week after the results  
23 of the assessment are determined, the applicant  
24 tests negative for controlled substances.25 “(B) If a high-risk applicant tests positive for  
26 any controlled substance—

1               “(i) if such test result is the first positive  
2               test result for such applicant in the benefit  
3               year—

4               “(I) no regular compensation may be  
5               paid to such applicant for a period of 30  
6               days beginning on the date that such test  
7               result is determined; and

8               “(II) no regular compensation may be  
9               paid to such applicant during the remain-  
10               der of such benefit year unless the appli-  
11               cant tests negative for controlled sub-  
12               stances at the end of such period;

13               “(ii) if such test result is not the first posi-  
14               tive test result for such applicant in the benefit  
15               year, no regular compensation may be paid to  
16               such applicant during the remainder of such  
17               benefit year.

18               “(C) A high-risk applicant receiving benefits  
19               with respect to a benefit year shall be subject to  
20               testing for controlled substances by the State at any  
21               time during the benefit year, with limited notice pro-  
22               vided to the applicant of such testing.

23               “(D) A high-risk applicant who is tested for  
24               controlled substances under—

1                     “(i) subparagraph (A) or (C) shall be re-  
2                     sponsible for the cost of such test if the indi-  
3                     vidual tests positive for any such substance; and

4                     “(ii) subparagraph (B)(i)(II) shall be re-  
5                     sponsible for the cost of such test.

6     “(2) For purposes of this subsection—

7                     “(A) the term ‘benefit year’ means the benefit  
8                     year as defined in the applicable State law;

9                     “(B) the term ‘controlled substance’—

10                    “(i) means a drug or other substance se-  
11                    lected by the State to be included in drug test-  
12                    ing under this subsection; and

13                    “(ii) does not include any drug or other  
14                    substance used by the applicant pursuant to a  
15                    valid prescription or as otherwise authorized by  
16                    law;

17                    “(C) the term ‘high-risk applicant’, with respect  
18                    to a benefit year, means an individual who is deter-  
19                    mined by the State to have a high risk of substance  
20                    abuse based on the results of a substance abuse risk  
21                    assessment administered under paragraph (1)(A)(i);  
22                    and

23                    “(D) the term ‘substance abuse risk assess-  
24                    ment’ means a screening instrument, approved by  
25                    the Director of the National Institutes of Health, de-

1 signed to determine whether an individual has a  
2 high risk of substance abuse.”.

3 (b) NO MERIT STAFFING REQUIREMENTS.—Section  
4 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1))  
5 shall not be construed in such a manner as to apply the  
6 merit staffing requirements in section 900.603 of title 5,  
7 Code of Federal Regulations, as in effect on October 1,  
8 2011, to the implementation of section 303(l) of such Act  
9 (as amended by subsection (a)).

10 (c) FUNDING FOR SUBSTANCE ABUSE TESTING.—

11 (1) FUNDING FROM IPAB.—Section 1899A(m)  
12 of the Social Security Act (42 U.S.C. 1395kkk(m))  
13 is amended—

14 (A) in paragraph (1), in the matter pre-  
15 ceding subparagraph (A), by striking “to the  
16 Board to carry” and inserting “for the purposes  
17 of carrying out section 303(l), and, if any funds  
18 remain in the fiscal year involved, for the Board  
19 for the purpose of carrying”; and

20 (B) by striking paragraph (2).

21 (2) FUNDING FROM THE CO-OP PROGRAM.—  
22 Section 1322(g) of the Patient Protection and Af-  
23 fordable Care Act (42 U.S.C. 18042(g)) is amended  
24 by striking “to carry out this section” and inserting  
25 “to carry out section 303(l) of the Social Security

1       Act, to the extent funds are necessary to carry out  
2       such section after the application of section  
3       1899A(m)(1) of such Act”.

○