

CHAPTER 321

LABOR AND INDUSTRY

HOUSE BILL 94-1145

BY REPRESENTATIVES George, Acquafresca, Lawrence, Adkins, Agler, Anderson, Berry, Chlouber, Eisenach, Epps, Fleming, Grampas, Hagedorn, Jerke, Kaufman, Kreutz, Martin, May, Owen, Pankey, Pfiffner, Ratterree, Reeser, Salaz, Schauer, Sullivan, Taylor, and Tucker;
also SENATORS Wham, Bishop, Blickensderfer, Norton, R. Powers, Roberts, and Tebedo.

AN ACT**CONCERNING THE DISQUALIFICATION OF A PERSON FROM ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION BENEFITS DUE TO SUCH PERSON'S USE OF CERTAIN SUBSTANCES AS EVIDENCED BY DRUG OR ALCOHOL TESTS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 8-73-108 (5) (e), Colorado Revised Statutes, 1986 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

8-73-108. Benefit awards. (5) Disqualification. (e) Subject to the maximum reduction consistent with federal law, and insofar as consistent with interstate agreements, if a separation from employment occurs for any of the following reasons, the employer from whom such separation occurred shall not be charged for benefits which are attributable to such employment and, because any payment of benefits which are attributable to such employment out of the fund as defined in section 8-70-103 (13) shall be deemed to have an adverse effect on such employer's account in such fund, no payment of such benefits shall be made from such fund:

(IX.5) THE PRESENCE IN AN INDIVIDUAL'S SYSTEM, DURING WORKING HOURS, OF NOT MEDICALLY PRESCRIBED CONTROLLED SUBSTANCES, AS DEFINED IN SECTION 12-22-303 (7), C.R.S., OR OF A BLOOD ALCOHOL LEVEL AT OR ABOVE 0.04 PERCENT, OR AT OR ABOVE AN APPLICABLE LOWER LEVEL AS SET FORTH BY FEDERAL STATUTE OR REGULATION, AS EVIDENCED BY A DRUG OR ALCOHOL TEST ADMINISTERED PURSUANT TO A STATUTORY OR REGULATORY REQUIREMENT OR A PREVIOUSLY ESTABLISHED, WRITTEN DRUG OR ALCOHOL POLICY OF THE EMPLOYER AND CONDUCTED BY A MEDICAL FACILITY OR LABORATORY LICENSED OR CERTIFIED TO CONDUCT SUCH

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

TESTS.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 1994, and shall apply to claims for benefits due to separation from employment occurring on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 1994