

SENATE BILL REPORT

SB 6435

AS OF FEBRUARY 1, 1994

Brief Description: Disqualifying from industrial insurance compensation workers that were intoxicated or using a controlled substance.

SPONSORS: Senators Anderson, Amondson, Owen, Newhouse, Oke and Winsley

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Dave Cheal (786-7576)

Hearing Dates: February 2, 1994

BACKGROUND:

Coverage of the Washington Industrial Insurance Act is quite broad. All injuries in the course of employment are covered. Fault or negligence is not an issue.

However, if the injury or death results from the deliberate intention of the worker, or while engaged in the commission or the attempt to commit a felony, no benefits are payable.

SUMMARY:

In addition to deliberately causing injury or death, a worker's intoxication or use of a controlled substance which causes the injury excludes the worker from industrial insurance benefits.

If the blood-alcohol content is equal to that in the driving while intoxicated statute, or if the worker has positive confirmation of the presence of a controlled substance at the time of the injury, it is presumed that the injury was caused by intoxication or the influence of the controlled substance.

A worker may be required to submit to a physical examination which includes taking of blood or urine samples to determine whether the employee at the time of the injury was under the influence of alcohol or any controlled substance.

Appropriation: none

Revenue: none

Fiscal Note: requested