

5709

Sponsor(s): Senators Anderson, Schow, Horn, Oke and West

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

SB 5709 - DIGEST

Provides that, if the worker has the same or greater weight of alcohol in his or her blood as that set forth in RCW 46.61.502, or if the worker tests positive for a controlled substance, it shall be conclusively presumed that the injury resulted from the intoxication from alcohol or from use of the controlled substance.

Provides that, at any time following an injury occurring in the course of employment, if requested by the employer, a worker involved in the injury shall submit to a physical examination that may include the taking of blood or urine samples, or both, which samples shall be analyzed in a facility certified by the state of Washington to conduct such analyses, to determine whether the worker, at the time of injury, was intoxicated from alcohol or under the influence of any controlled substance as defined in the uniform controlled substances act, chapter 69.50 RCW. If a worker fails or refuses to submit to such physical examination, or fails or refuses to provide blood or urine samples as requested by the employer, it shall be conclusively presumed that the injury resulted from intoxication from alcohol or by use of a controlled substance as defined in the uniform controlled substances act, chapter 69.50 RCW.

Nothing in this section precludes the payment of benefits if a worker, at the time of injury, was under the influence of a controlled substance taken in accordance with a prescription issued by a licensed and practicing physician and surgeon in the state of Washington.