
HOUSE BILL 2295

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Pike, Harris, Vick, and Rodne

Read first time 01/15/14. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to limiting industrial insurance benefits for
2 injuries or diseases caused by use of intoxicating liquor or drugs;
3 adding a new section to chapter 51.32 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32 RCW
6 to read as follows:

7 (1) No benefits, other than medical benefits, are payable to or on
8 behalf of a worker or to his or her spouse, child, or dependent if the
9 worker's being under the influence of or affected by intoxicating
10 liquor or any drug was the primary cause of the worker's injury or
11 death unless:

12 (a) The employer permitted or had knowledge of the worker's use of
13 intoxicating liquor or any drug; or

14 (b) The drug was prescribed for the worker by a health care
15 practitioner authorized under chapter 69.41 RCW, and the worker used
16 the drug in accordance with the directions for use.

17 (2) A qualifying chemical test is required to prove that the worker
18 was under the influence of or affected by intoxicating liquor or any

1 drug at the time of injury. The employer must bear the cost of any
2 testing requested by the employer.

3 (3) A rebuttable presumption that the worker was under the
4 influence of or affected by intoxicating liquor or any drug and that
5 the intoxication was the primary cause of the worker's injury or death
6 is established if:

7 (a) The worker refused to submit to a qualifying chemical test; or

8 (b) The worker had an alcohol concentration of 0.08 or higher or a
9 THC concentration of 5.00 or higher, as determined by a qualifying
10 chemical test.

11 (4) This section does not affect the rights of an employer to
12 prohibit the use of intoxicating liquor or drugs or to test workers for
13 intoxicating liquor or drug use to the extent permissible by law.

14 (5) For purposes of this section:

15 (a) "Drug" means those substances regulated by chapters 69.41,
16 69.50, and 69.51A RCW.

17 (b) "Qualifying chemical test" means a test performed according to
18 methods approved by, and by an individual possessing a valid permit
19 issued by, the state toxicologist under RCW 46.61.506, or performed
20 under standards established by a nationally recognized organization.

21 NEW SECTION. **Sec. 2.** Section 1 of this act applies to dates of
22 injury or disease manifestation after the effective date of this
23 section.

24 NEW SECTION. **Sec. 3.** Section 1 of this act does not impair any
25 provision of a collective bargaining agreement in effect on the
26 effective date of this section.

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