

FINAL BILL REPORT

2SSB 5516

C 127 L 96
Synopsis as Enacted

Brief Description: Providing for drug-free workplaces.

Sponsors: Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Owen, Prentice, Deccio, Palmer, Sutherland, McDonald, Rinehart, Haugen, Sheldon, Heavey, Fraser, Franklin, Bauer, Roach and Rasmussen).

Senate Committee on Labor, Commerce & Trade
House Committee on Commerce & Labor

Background: Advocates for the implementation of alcohol and drug-free workplace programs believe that such programs can lower workers' compensation costs by reducing substance abuse. Two states, Florida and Georgia, allow a discount on workers' compensation premiums for employers that implement certified drug-free programs. The Department of Labor and Industries currently operates other premium discount programs such as its Retrospective Rating Program.

Summary: Employers that implement drug-free workplace programs may receive a 5 percent premium discount on their workers' compensation payments. Employers may not receive premium discounts from more than one premium discount program. Total premium discounts for implementing drug-free workplace programs may not exceed \$5 million per year. A drug-free workplace program must provide notice to employees and job applicants on the nature of the program. It must also require that job applicants and employees involved in work-related injuries submit to a substance abuse test. Supervisors need not test an employee after an injury if the injury was due to a circumstance beyond the control of the employee. Other requirements of the program include the provision of an employee assistance program, employee education and supervisor training.

Rehabilitation is the primary focus of the employee assistance program and an employer may not use a first-time positive abuse test as the basis for termination of an employee. Information obtained through the substance abuse program is confidential, may not be released without written consent, and may not be used in a criminal proceeding against an employee or job applicant.

The Department of Social and Health Services is to adopt rules for the implementation of the act, including rules regarding certification and decertification of employers operating drug-free workplace programs. The department may charge a fee that approximates the costs of certification. The department is to evaluate the costs and benefits of the program. The Department of Labor and Industries may adopt rules and must evaluate the effect of the premium discount on workplace safety and the workers' compensation fund.

The act terminates January 1, 2001.

Votes on Final Passage:

Senate	45	1	
House	95	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 6, 1996