
SENATE BILL 5709

State of Washington

55th Legislature

1997 Regular Session

By Senators Anderson, Schow, Horn, Oke and West

Read first time 02/10/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to disqualification from industrial insurance
2 compensation for worker's intoxication or controlled substance use; and
3 amending RCW 51.32.020.

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

5 **Sec. 1.** RCW 51.32.020 and 1995 c 160 s 2 are each amended to read
6 as follows:

7 If injury or death results to a worker from the deliberate
8 intention of the worker himself or herself to produce such injury or
9 death, or results from the worker's intoxication from alcohol or from
10 use of a controlled substance defined in the uniform controlled
11 substances act, chapter 69.50 RCW, or while the worker is engaged in
12 the attempt to commit, or the commission of, a felony, neither the
13 worker nor the widow, widower, child, or dependent of the worker shall
14 receive any payment under this title. If the worker has the same or
15 greater weight of alcohol in his or her blood as that set forth in RCW
16 46.61.502, or if the worker tests positive for a controlled substance,
17 it shall be conclusively presumed that the injury resulted from the
18 intoxication from alcohol or from use of the controlled substance.

1 If injury or death results to a worker from the deliberate
2 intention of a beneficiary of that worker to produce the injury or
3 death, or if injury or death results to a worker as a consequence of a
4 beneficiary of that worker engaging in the attempt to commit, or the
5 commission of, a felony, the beneficiary shall not receive any payment
6 under this title.

7 An invalid child, while being supported and cared for in a state
8 institution, shall not receive compensation under this chapter.

9 No payment shall be made to or for a natural child of a deceased
10 worker and, at the same time, as the stepchild of a deceased worker.

11 At any time following an injury occurring in the course of
12 employment, if requested by the employer, a worker involved in the
13 injury shall submit to a physical examination that may include the
14 taking of blood or urine samples, or both, which samples shall be
15 analyzed in a facility certified by the state of Washington to conduct
16 such analyses, to determine whether the worker, at the time of injury,
17 was intoxicated from alcohol or under the influence of any controlled
18 substance as defined in the uniform controlled substances act, chapter
19 69.50 RCW. If a worker fails or refuses to submit to such physical
20 examination, or fails or refuses to provide blood or urine samples as
21 requested by the employer, it shall be conclusively presumed that the
22 injury resulted from intoxication from alcohol or by use of a
23 controlled substance as defined in the uniform controlled substances
24 act, chapter 69.50 RCW.

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

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