SENATE CS FOR HOUSE BILL NO. 422(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/19/00
Referred: Rules

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 'An Act relating to workers' compensation benefits for injuries resulting from
2 consumption of alcohol or use of drugs; and providing for an effective date.'

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 23.30.080(a) is amended to read:
5 (a) If an employer fails to comply with AS 23.30.075, the employer may not
6 escape liability for personal injury or death sustained by an employee when the injury
7 sustained arises out of and in the usual course of the employment because
8
9 (1) the employee assumed the risks inherent to or incidental to or
10 arising out of the employment, or the risks arising from the failure of the employer to
11 provide and maintain a reasonably safe place to work, or the risks arising from the
12 failure of an employer to furnish reasonably safe tools or appliances; or because the
13 employer exercises reasonable care in selecting reasonably competent employees in the
14 business;
15
16 (2) the injury was caused by the negligence of a co-employee;
(3) the employee was negligent, unless it appears that the negligence was wilful and with intent to cause the injury or was the result of wilful consumption of an alcoholic beverage [INTOXICATION] on the part of the injured party.

* Sec. 2. AS 23.30.120(a) is amended to read:

(a) In a proceeding for the enforcement of a claim for compensation under this chapter, it is presumed, in the absence of substantial evidence to the contrary, that

(1) the claim comes within the provisions of this chapter;

(2) sufficient notice of the claim has been given;

(3) the consumption of an alcoholic beverage [INJURY WAS NOT PROXIMATELY CAUSED] by the [INTOXICATION OF THE] injured employee or [PROXIMATELY CAUSED BY] the employee's use [EMPLOYEE BEING UNDER THE INFLUENCE] of drugs was not the dominant cause of the injury [UNLESS THE DRUGS WERE TAKEN AS PRESCRIBED BY THE EMPLOYEE'S PHYSICIAN];

(4) the injury was not occasioned by the wilful intention of the injured employee to injure or kill self or another.

* Sec. 3. AS 23.30.235 is amended to read:

Sec. 23.30.235. Cases in which no compensation is payable. Compensation under this chapter may not be allowed for an injury

(1) proximately caused by the employee's wilful intent to injure or kill any person;

(2) if consumption of an alcoholic beverage [PROXIMATELY CAUSED] by [INTOXICATION OF] the injured employee or [PROXIMATELY CAUSED BY] the employee's use [EMPLOYEE BEING UNDER THE INFLUENCE] of drugs was the dominant cause of the injury, unless the drugs were taken as prescribed by the employee's physician.

* Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. This Act applies to an employee who is injured on or after the effective date of this Act.

* Sec. 5. This Act takes effect July 1, 2000.