

**HOUSE BILL NO. 32**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE OLSON

Introduced: 1/21/15

Referred: Labor and Commerce, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to employer-required drug testing; requiring the Alaska Workers'**  
2 **Compensation Board to adopt regulations relating to the prescription of controlled**  
3 **substances to employees; and relating to the prescription of controlled substances to**  
4 **employees."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 23.10.620 is amended by adding a new subsection to read:

7 (g) In addition to the tests required under (c) and (d) of this section, an  
8 employer may require an employee to undergo drug testing for a controlled substance  
9 prescribed to the employee if the employee has been prescribed a controlled substance  
10 listed in schedule IA under AS 11.71.140 for more than 90 consecutive days by a  
11 physician under AS 23.30.095. A negative test result under this subsection for a  
12 controlled substance prescribed to the employee may result in the denial of future  
13 payments by the employer or insurer for the controlled substance prescribed to the  
14 employee but may not result in any other adverse employment action. A positive test

1 result under this subsection for a controlled substance prescribed to the employee may  
2 not result in an adverse employment action or the denial of prescription benefits.

3 \* **Sec. 2.** AS 23.30.005 is amended by adding a new subsection to read:

4 (n) The board shall adopt regulations relating to the prescription of controlled  
5 substances to implement AS 23.30.095(p) and (q).

6 \* **Sec. 3.** AS 23.30.095 is amended by adding new subsections to read:

7 (p) A physician may not prescribe to an employee under this chapter more  
8 than a 30-day supply of a controlled substance listed in schedule IA under  
9 AS 11.71.140 or a controlled opium substance listed in schedule IIIA under  
10 AS 11.71.160 or schedule VA under AS 11.71.180.

11 (q) An employer or insurer may use an employee's negative test result under  
12 AS 23.10.620(g) to claim that the employer or insurer is not liable for future payments  
13 for a controlled substance listed in schedule IA under AS 11.71.140 prescribed to the  
14 employee under this section.