

**HOUSE BILL NO. 422**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 2/25/00

Referred: Labor and Commerce

**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 (1) the employee assumed the risks inherent to or incidental to or  
9 arising out of the employment, or the risks arising from the failure of the employer to  
10 provide and maintain a reasonably safe place to work, or the risks arising from the  
11 failure of an employer to furnish reasonably safe tools or appliances; or because the  
12 employer exercises reasonable care in selecting reasonably competent employees in the  
13 business;

14 (2) the injury was caused by the negligence of a co-employee;

1 (3) the employee was negligent, unless it appears that the negligence  
 2 was wilful and with intent to cause the injury or was the result of wilful **consumption**  
 3 **of an alcoholic beverage** [INTOXICATION] on the part of the injured party.

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

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

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

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

9 (3) the injury was not proximately caused by **consumption of an**  
 10 **alcoholic beverage by** the [INTOXICATION OF THE] injured employee or  
 11 proximately caused by the **employee's use** [EMPLOYEE BEING UNDER THE  
 12 INFLUENCE] of drugs [UNLESS THE DRUGS WERE TAKEN AS PRESCRIBED  
 13 BY THE EMPLOYEE'S PHYSICIAN];

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

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

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

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

21 (2) proximately caused by **consumption of an alcoholic beverage by**  
 22 [INTOXICATION OF] the injured employee or proximately caused by the **employee's**  
 23 **use** [EMPLOYEE BEING UNDER THE INFLUENCE] of drugs unless the drugs were  
 24 taken as prescribed by the employee's physician.

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

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

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