

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

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

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

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

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

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

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

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

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