

HOUSE BILL No. 4230

February 13, 2003, Introduced by Reps. Hune, Ward, Stahl, Brandenburg, Caswell, Stakoe, Garfield, Hoogendyk, Pastor, LaJoy, Shaffer, Walker and Emmons and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
(MCL 418.101 to 418.941) by adding section 306.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 306. (1) Benefits are not payable to an employee for a
2 claim based on an injury that was caused by or results from the
3 employee's impaired ability to perform his or her job due to the
4 consumption of intoxicating liquor, or a controlled substance not
5 prescribed by a physician, or a combination of an intoxicating
6 liquor and a controlled substance not prescribed by a physician.

7 (2) This section does not apply to the following:

8 (a) An employee who is injured when unexpectedly required to
9 return to work within 12 hours after the end of a previous
10 shift.

11 (b) A police officer, firefighter, or other emergency

1 personnel who due to the unique and sensitive nature of his or
2 her employment is required to respond to an emergency while not
3 on duty.

4 (3) As used in this section:

5 (a) "Controlled substance" means that term as defined in
6 section 7104 of the public health code, 1978 PA 368,
7 MCL 333.7104.

8 (b) "Impaired ability to perform his or her job due to the
9 voluntary consumption of intoxicating liquor or a controlled
10 substance not prescribed by a physician" means that, as a result
11 of an employee drinking, ingesting, smoking, or otherwise
12 consuming intoxicating liquor or a controlled substance not
13 prescribed by a physician, the employees' senses are impaired to
14 the point that the ability to perform his or her normal
15 employment duties are diminished from what they would normally be
16 had the employee not consumed the intoxicating liquor or a
17 controlled substance. An individual is presumed under this
18 section to have an impaired ability to perform his or her job due
19 to the voluntary consumption of intoxicating liquor or a
20 controlled substance not prescribed by a physician if, under a
21 standard prescribed by section 625a of the Michigan vehicle code,
22 1949 PA 300, MCL 257.625a, a presumption would arise that the
23 individual's ability to operate a vehicle was impaired.