

SENATE BILL 1304

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 6 and Title 50, Chapter 9, relative to worker's compensation claims involving a drug-free workplace.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-110(c)(1), is amended by deleting the first and second sentences of the subdivision and by substituting instead the following:

In cases where the employer has implemented a drug-free workplace pursuant to chapter 9 of this title, if the injured employee has, at the time of the injury, a blood alcohol concentration level equal to or greater than eight hundredths of one percent (.08%) for non-safety sensitive positions, or four hundredths of one percent (.04%) for safety-sensitive positions, as determined by blood or breath testing, or if the injured employee has a positive confirmation of a drug as defined in § 50-9-103, then the employee shall be ineligible for benefits under this chapter related to the injury.

SECTION 2. Tennessee Code Annotated, Section 50-6-110(c)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) If the injured employee refuses to submit to a drug test, it shall be deemed to be established that the worker has tested for levels of drugs and alcohol prohibited in subdivision (c)(1), and subdivision (c)(1) shall apply to the injured employee.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.