

By: Shine

H.B. No. 3537

A BILL TO BE ENTITLED

AN ACT

relating to the determination of whether a person is intoxicated for purposes of the Texas Workers' Compensation Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 401.013(a) and (c), Labor Code, are amended to read as follows:

(a) In this subtitle, "intoxication" means the state of:

(1) having an alcohol concentration to qualify as intoxicated under Section 49.01(2), Penal Code; or

(2) not having the normal use of mental or physical faculties by reason of ~~[resulting from]~~ the ~~[voluntary]~~ introduction into the body of:

(A) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code;

(B) a controlled substance or controlled substance analogue, as defined by Section 481.002, Health and Safety Code;

(C) a dangerous drug, as defined by Section 483.001, Health and Safety Code;

(D) an abusable volatile chemical ~~[glue or aerosol paint]~~, as defined by Section 485.001, Health and Safety Code; or

(E) any similar substance, the use of which is regulated under state law.

1 (c) A [~~On the voluntary introduction into the body of any~~
2 ~~substance listed under Subsection (a)(2)(B), based on a]~~ blood test
3 or urinalysis of a specimen taken not later than four hours
4 following an injury that shows the presence of a substance listed in
5 Subsection (a)(2) creates [~~it is~~] a rebuttable presumption that a
6 person is intoxicated and does not have the normal use of mental or
7 physical faculties.

8 SECTION 2. The change in law made by this Act applies only
9 to a claim for workers' compensation benefits based on a
10 compensable injury that occurs on or after the effective date of
11 this Act. A claim based on a compensable injury that occurs before
12 that date is governed by the law as it existed on the date the
13 compensable injury occurred, and the former law is continued in
14 effect for that purpose.

15 SECTION 3. This Act takes effect September 1, 2019.