

By: Shine

H.B. No. 2654

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. Section 401.013, Labor Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) 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

1 regulated under state law.

2 (c) An analysis of a specimen of blood, urine, or any bodily
3 fluid collected during an autopsy that shows the presence [~~On the~~
4 ~~voluntary introduction into the body~~] of any substance listed under
5 Subsection (a)(2) creates [~~(a)(2)(B), based on a blood test or~~
6 ~~urinalysis, it is~~] a rebuttable presumption that a person was [~~is~~]
7 intoxicated and did [~~does~~] not have the normal use of mental or
8 physical faculties.

9 (d) The presumption under Subsection (c) may be rebutted
10 only by credible and objective evidence that the person was not
11 intoxicated.

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

19 SECTION 3. This Act takes effect September 1, 2021.