

By: Curry

H.B. No. 197

A BILL TO BE ENTITLED

AN ACT

relating to admissibility of certain evidence against employers for employee use of THC.

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

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 142B to read as follows:

CHAPTER 142B. ADMISSIBILITY OF EVIDENCE AGAINST EMPLOYER FOR
EMPLOYEE USE OF THC

Sec. 142B.001. DEFINITIONS. In this chapter:

(1) "Employee" means an individual who works for a person for compensation. The term includes an individual deemed an employee under state or federal law and any other person, including an agent, for whom an employer may be liable under respondeat superior.

(2) "Intoxicated" means not having the normal use of mental or physical faculties due to the voluntary introduction of THC or low-THC cannabis into the body.

(3) "Low-THC cannabis" has the meaning assigned by Section 169.001, Occupations Code.

(4) "THC" means the delta-9 tetrahydrocannabinol cannabinoid in the Cannabis sativa L. plant.

Sec. 142B.002. ADMISSIBILITY OF LOW-THC CANNABIS EVIDENCE. In a civil action against an employer alleging negligent hiring, training, supervising, or entrusting the employer's employee that

1 caused or contributed to an injury, death, or property damage, the
2 court may not admit evidence of the employee's medical use of
3 low-THC cannabis in accordance with Chapter 169, Occupations Code,
4 unless the employer:

5 (1) knew that the employee used low-THC cannabis under
6 Chapter 169, Occupations Code;

7 (2) became aware that the employee was intoxicated by
8 low-THC cannabis before the injury, death, or property damage
9 occurred in a time and manner that made the injury, death, or
10 property damage reasonably foreseeable; and

11 (3) failed to reasonably intervene to prevent the act
12 or omission that caused the injury, death, or property damage.

13 Sec. 142B.003. ADMISSIBILITY OF THC EVIDENCE. In a civil
14 action or administrative proceeding against an employer alleging
15 that the employer's employee's use of THC caused or contributed to
16 an injury, death, or property damage, evidence that the employee
17 tested positive for THC is not admissible unless the party offering
18 the evidence introduces other sufficient evidence that the employee
19 was intoxicated at or near the time of the act or omission that
20 caused the injury, death, or property damage.

21 SECTION 2. The changes in law made by this Act apply only to
22 an action filed on or after the effective date of this Act.

23 SECTION 3. This Act takes effect on the 91st day after the
24 last day of the legislative session.