

HCS HBs 1990 & 2135 -- WORKERS' COMPENSATION

SPONSOR: Gallick

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Insurance Policy by a vote of 13 to 2.

The following is a summary of the House Committee Substitute for HB 1990.

Currently, if an employee fails to obey any rule or policy adopted by the employer relating to a drug-free workplace or the use of alcohol, or unprescribed controlled drugs in the workplace and violating the rule or policy is the proximate cause of the injury or death the employee's benefit shall be reduced or forfeited, as specified in the bill. This bill adds marijuana to the list of any drug-free workplace rule or policy adopted by an employer.

The bill allows an employer to consider that an employee was impaired by or under the influence of marijuana at the time of a work accident or injury if the employer has a good-faith belief that an employee had articulable symptoms of impairment, as specified in the bill, while working.

If an employer elects to discipline an employee on the basis that the employee is under the influence or impaired by marijuana, the employer must give the employee a reasonable opportunity to contest the determination.

Under the bill, any specific reference to marijuana or marijuana metabolites shall not apply to medical marijuana or metabolites related to medical marijuana for a person who has a valid qualifying patient identification card legally certifying the person's status as a qualifying patient.

An employer is not required to reimburse or cause to be reimbursed an employee any costs associated with the medical use of marijuana.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this will reduce employee injuries. We need to make sure our workers are not working under the influence of marijuana like we do for alcohol.

Testifying in person for the bill were Representative Gallick; Associated Industries of Missouri; Missouri Insurance Coalition; and Mo Chamber of Commerce.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.