

HB 2135 -- WORKERS' COMPENSATION

SPONSOR: Voss

This bill adds marijuana to the list of drug-free workplace rule or policy adopted by an employer and reduces the compensation and death benefit by 50% if an employee's injury was sustained in conjunction with the use of marijuana against the employer's rule or policy.

If the use of marijuana is the proximate cause of the injury, the benefits or compensation otherwise payable under the Workers' Compensation Act to an employee for death or disability benefits is forfeited. If an employee refuses to take a test for marijuana requested by the employer, the benefits will be forfeited if the employer had sufficient cause to suspect the use of marijuana or the employer's policy clearly authorizes post-injury testing.

As specified in the bill, a positive test result for marijuana gives rise to a rebuttable presumption, which may be rebutted by a preponderance of evidence standard, that the tested marijuana was in the employee's system at the time of the accident or injury and that the injury was sustained in conjunction with the use of the tested marijuana if certain criteria are met as indicated in the bill.

The bill specifies that the above provisions are subject to Article XIV, Section 1 of the Constitution of the state of Missouri relating to medical use of marijuana and the nondiscrimination provision of subdivision (15) of subsection 7 of Article XIV, Section 1 of the Constitution of the state of Missouri.

As specified in the bill, an employer is not required to reimburse an employee any costs associated with the medical use of marijuana.