

SENATE BILL REPORT

SSB 5516

As Reported By Senate Committee On:
Labor, Commerce & Trade, January 31, 1996

Title: An act relating to providing for drug-free workplaces.

Brief Description: Providing for drug-free workplaces.

Sponsors: Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Owen, Prentice, Deccio, Palmer, Sutherland, McDonald, Rinehart, Haugen, Sheldon, Heavey, Fraser, Franklin, Bauer, Roach and Rasmussen).

Brief History:

Committee Activity: Labor, Commerce & Trade: 2/2/95, 3/1/95 [DPS, DNPS]; 1/31/96 [DP2S, DNP2S].
Passed Senate, 3/10/95, 45-0.

SENATE COMMITTEE ON LABOR, COMMERCE & TRADE

Majority Report: That Second Substitute Senate Bill No. 5516 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Pelz, Chair; A. Anderson, Deccio, Franklin and McDonald.

Minority Report: Do not pass second substitute.

Signed by Senator Heavey, Vice Chair.

Staff: Jack Brummel (786-7428)

Background: Advocates for the implementation of alcohol and drug-free workplace programs believe that such programs can lower workers' compensation costs by reducing substance abuse. Two states, Florida and Georgia, allow a discount on workers' compensation premiums for employers that implement certified drug-free programs.

Summary of Second Substitute Bill: Employers that implement drug-free workplace programs may receive a 5 percent premium discount on their workers' compensation payments. Total premium discounts may not exceed \$5 million per year. A drug-free workplace program must provide notice to employees and job applicants on the nature of the program. It must also require that job applicants and employees involved in work-related injuries submit to a substance abuse test. Other requirements of the program include the provision of an employee assistance program, employee education and supervisor training.

Rehabilitation is the primary focus of the employee assistance program and an employer may not use a first-time positive abuse test as the basis for termination of an employee.

The Department of Social and Health Services is to adopt rules for the implementation of the act, including rules regarding certification and decertification of employers operating drug-

free workplace programs. The department may charge a fee that approximates the costs of certification.

The act terminates January 1, 2001.

Second Substitute Bill Compared to Substitute Bill: Under the second substitute, self insured employees are not required to implement a drug-free workplace program as they were in the first substitute, but they are encouraged to do so.

The second substitute specifies that, to qualify for the premium discount, employers must make medical insurance available to full-time employees and that supervisors need not test an employee after an injury if the injury was due to a circumstance beyond the control of the employee. Starting dates and reporting dates in the second substitute are set back one year from those in the substitute.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The nation's businesses lost over \$100 billion per year due to drug and alcohol abuse. The bill will reduce substance abuse and accidents in the workplace. Smaller employers need the incentive in the bill to adopt substance abuse programs.

Testimony Against: None.

Testified: PRO: Senator Owen, prime sponsor; Tom Pool, WA Drug Free Business; Chuck Bailey, WA State Labor Council; Sherwood Korssjoen, The Sherwood Group.