

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 668

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Drugs” and substitute “Controlled Dangerous Substances”; in line 7, strike “drug” and substitute “controlled dangerous substance; defining a certain term; providing that certain benefits shall not be denied under certain circumstances; providing that in a proceeding on a certain claim there is, absent substantial evidence to the contrary, a certain presumption”.

AMENDMENT NO. 2

On page 2, strike beginning with “(D)” in line 12 down through “performance.” in line 25 and substitute:

“(D) (1) IN THIS SUBSECTION, “PRIMARY CAUSE” MEANS THE CAUSE THAT IS FIRST IN IMPORTANCE.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A COVERED EMPLOYEE OR DEPENDENT OF A COVERED EMPLOYEE IS NOT ENTITLED TO COMPENSATION OR BENEFITS UNDER THIS TITLE, EXCEPT FOR MEDICAL BENEFITS UNDER §§ 9-660 AND 9-661 OF THIS TITLE, AS A RESULT OF AN ACCIDENTAL PERSONAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE, IF THE PRIMARY CAUSE OF THE ACCIDENTAL PERSONAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE WAS THE EFFECT ON THE COVERED EMPLOYEE OF A CONTROLLED DANGEROUS SUBSTANCE DEFINED OR LISTED UNDER ARTICLE 27, §§ 277 OR 279 OF THE CODE.

(II) COMPENSATION OR BENEFITS SHALL NOT BE DENIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE CONTROLLED DANGEROUS SUBSTANCE WAS ADMINISTERED, TAKEN, OR USED IN ACCORDANCE WITH THE

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PRESCRIPTION OF A PHYSICIAN AND THE ADMINISTERING, TAKING, OR USE OF THE CONTROLLED DANGEROUS SUBSTANCE WAS NOT EXCESSIVE OR ABUSIVE.

(3) EXCEPT FOR MEDICAL BENEFITS UNDER §§ 9-660 AND 9-661 OF THIS TITLE, A COVERED EMPLOYEE OR DEPENDENT OF A COVERED EMPLOYEE IS NOT ENTITLED TO COMPENSATION OR BENEFITS UNDER THIS TITLE AS A RESULT OF AN ACCIDENTAL PERSONAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE, IF THE PRIMARY CAUSE OF THE ACCIDENTAL PERSONAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE WAS THE INTOXICATION OF THE COVERED EMPLOYEE WHILE ON DUTY.”.

AMENDMENT NO. 3

On page 3, after line 2, insert:

“(G) IN A PROCEEDING ON A CLAIM FOR COMPENSATION UNDER SUBSECTION (D) OF THIS SECTION, THERE IS, ABSENT SUBSTANTIAL EVIDENCE TO THE CONTRARY, A PRESUMPTION THAT:

(1) THE EFFECT ON THE COVERED EMPLOYEE OF A CONTROLLED DANGEROUS SUBSTANCE WAS NOT THE PRIMARY CAUSE OF THE ACCIDENTAL PERSONAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE; AND

(2) THE INTOXICATION OF THE COVERED EMPLOYEE WAS NOT THE PRIMARY CAUSE OF THE ACCIDENTAL PERSONAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE.”.