

FILED

**Jane Dee Hull
Secretary of State**

State of Arizona
Senate
Forty-second Legislature
Second Regular Session
1996

CHAPTER 130

SENATE BILL 1246

AN ACT

AMENDING SECTION 23-1021, ARIZONA REVISED STATUTES; RELATING TO WORKERS' COMPENSATION.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-1021, Arizona Revised Statutes, is amended to
3 read:

4 23-1021. Right of employee to compensation

5 A. Every employee coming within the provisions of this chapter who is
6 injured, and the dependents of every such employee who is killed by accident
7 arising out of and in the course of his employment, wherever the injury
8 occurred, unless the injury was purposely self-inflicted, shall be entitled
9 to receive and shall be paid such compensation for loss sustained on account
10 of the injury or death, such medical, nurse and hospital services and
11 medicines, and such amount of funeral expenses in event of death, as are
12 provided by this chapter.

13 B. Every employee covered by insurance in the state compensation fund
14 who is injured by accident arising out of and in the course of employment,
15 and the dependents of every such employee who is killed, provided the injury
16 was not purposely self-inflicted, shall be paid such compensation from the
17 state compensation fund for loss sustained on account of the injury, shall
18 receive such medical, nurse and hospital services and medicines, and such
19 amount of funeral expenses in event of death, as provided in this chapter.

1 C. AN EMPLOYEE'S INJURY OR DEATH SHALL NOT BE CONSIDERED A PERSONAL
2 INJURY BY ACCIDENT ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT AND IS NOT
3 COMPENSABLE PURSUANT TO THIS CHAPTER WHERE THE IMPAIRMENT OF THE EMPLOYEE IS
4 DUE TO THE EMPLOYEE'S USE OF ALCOHOL OR THE UNLAWFUL USE OF ANY CONTROLLED
5 SUBSTANCE PROSCRIBED BY TITLE 13, CHAPTER 34 AND IS A SUBSTANTIAL
6 CONTRIBUTING CAUSE OF THE EMPLOYEE'S PERSONAL INJURY OR DEATH. THIS
7 SUBSECTION DOES NOT APPLY IF THE EMPLOYER HAD ACTUAL KNOWLEDGE OF AND
8 PERMITTED, OR CONDONED, THE EMPLOYEE'S USE OF ALCOHOL OR THE UNLAWFUL USE OF
9 THE CONTROLLED SUBSTANCE PROSCRIBED BY TITLE 13, CHAPTER 34.

APPROVED BY THE GOVERNOR APRIL 9, 1996.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 1996.