- 1 AN ACT concerning workers' compensation.
- 2 Be it enacted by the People of the State of Illinois,
- 3 represented in the General Assembly:
- 4 Section 5. The Workers' Compensation Act is amended by
- 5 changing Section 11 as follows:
- 6 (820 ILCS 305/11) (from Ch. 48, par. 138.11)
- 7 Sec. 11. The compensation herein provided, together with
- 8 the provisions of this Act, shall be the measure of the
- 9 responsibility of any employer engaged in any of the
- 10 enterprises or businesses enumerated in Section 3 of this
- 11 Act, or of any employer who is not engaged in any such
- 12 enterprises or businesses, but who has elected to provide and
- 13 pay compensation for accidental injuries sustained by any
- 14 employee arising out of and in the course of the employment
- 15 according to the provisions of this Act, and whose election
- 16 to continue under this Act, has not been nullified by any
- 17 action of his employees as provided for in this Act.
- 18 Accidental injuries incurred while participating in
- 19 voluntary recreational programs including but not limited to
- 20 athletic events, parties and picnics do not arise out of and
- 21 in the course of the employment even though the employer pays
- 22 some or all of the cost thereof. This exclusion shall not
- 23 apply in the event that the injured employee was ordered or
- assigned by his employer to participate in the program.
- 25 Accidental injuries incurred while participating as a
- 26 patient in a drug or alcohol rehabilitation program do not
- 27 arise out of and in the course of employment even though the
- employer pays some or all of the costs thereof.
- No compensation shall be payable if the injury was caused
- 30 solely by the intoxication of the employee, or if the injury
- 31 was caused by the influence of alcohol or any narcotic drugs,

1 barbiturates, or other stimulants not prescribed by a 2 physician, or by the combined influence of alcohol and any other drug or drugs that affected the employee to such an 3 4 extent that the Commission determines that the intoxication constituted a departure from employment. Evidence of the 5 6 concentration of alcohol or a drug or combination thereof in 7 a person's blood or breath at the time alleged, as determined 8 by analysis of the person's blood, urine, breath, or other bodily substance, shall be admissible in any hearing to 9 determine compensability. Should the employee refuse to 10 11 submit to such analysis, it shall be presumed, in the absence of substantial evidence to the contrary, that the accident 12 was caused by the intoxication of the employee. If there was 13 at the time of the injury 0.08 percent or more by weight of 14 alcohol in the employee's blood or breath, it shall be 15 presumed, in the absence of substantial evidence to the 16 17 contrary, that the injury was caused by the intoxication of the employee. Percentage by weight of alcohol in the blood 18 shall be based upon grams of alcohol per 100 milliliters of 19 blood. Percentage by weight of alcohol in the breath shall 20 be based upon grams of alcohol per 210 liters of breath. 21

22 (Source: P.A. 81-1482.)