

STATE	WC Disc.	POST-ACCIDENT TESTING	WC MONETARY BENEFIT DISQUALIFICATION
Alabama	5%	Mandatory for employees who caused or contributed to lost-time injury	Denial of WC benefits if the employee's injury was proximately caused by intoxication or impairment by drugs. A positive drug test performed in accordance with the U.S. Dept. of Transportation's regulations is considered a conclusive presumption of intoxication.
Alaska		Limited to EEs believed to have contributed to accident	Injuries proximately caused by the employee's intoxication or use of non-prescribed drugs are not compensable. The presumption does exist, however, that an employee's injury was not proximately caused by intoxication or illegal drug use; employers must present substantial evidence to overcome this presumption.
Arizona		Permitted but not mandatory	WC benefit disqualification ruled unconstitutional by Arizona Supreme Court.
Arkansas	5%	Mandatory for discount	Benefits will be denied when an accident substantially results from the use of alcohol or unlawful use of drugs, the presence of which creates a rebuttable presumption that they are the cause of the accident.
California		Permitted but not mandatory	Benefits denied if injury is caused by employee's intoxication by alcohol or drugs.
Colorado		Permitted but not mandatory	Benefits may be reduced by 50% when injury caused or results from alcohol intoxication (0.10 or more) or non-prescribed drugs. Positive test creates a presumption of intoxication and that injury was due to intoxication, that can be overcome by clear and convincing evidence.
Connecticut		Reasonable suspicion post-accident permitted but not required	Benefits denied when accidental injury, disability, or death caused by use of alcohol or narcotics.
Delaware		Voluntary w/o restrictions	Benefits denied if accident or injury caused or results from intoxication; burden is on the employer to prove the intoxication was the cause of the accident or injury
Florida	5%	Post-accident voluntary. Reasonable suspicion mandatory for discount	If employer has DFWA policy, medical and indemnity benefits are forfeited, and employee may be discharged, for testing positive for alcohol or a prohibited drug, or refuses to test. No causation proof required. If no DFWA policy, positive test / refusal to test creates rebuttable presumption that injury caused by impairment.
Georgia	7.50%	Mandatory for employees who caused or contributed to lost-time injury	Benefits are denied when injury or death is caused by intoxication or drug impairment. Refusal to test, alcohol test taken within 3 hours of accident showing BAC of 0.08. or a positive drug-test within 8 hours of accident, creates a rebuttable presumption that the injury was caused by alcohol or drug use.
Hawaii	5%	Permitted but not mandatory	Compensation denied if an employee's injury was incurred by his or her intoxication. In the absence of substantial evidence to the contrary, it is presumed that the injury was not caused by the intoxication of the injured employee.
Idaho	5%	Permitted but not mandatory	No WC benefits if alcohol / drug intoxication a substantial cause of the injury.
Illinois		Permitted but not mandatory	No WC benefits if intoxication proximate cause of injury. Rebuttable presumption of intoxication for alcohol at .08 BAC and positive test for controlled substance.

Indiana		Permitted but not mandatory	Benefits denied to employees whose injury or death was caused by his or her intoxication.
Iowa		Permitted in investigating accidents causing injury or property damage but not mandatory	Disqualified from WC benefits if alcohol or drug intoxication was a substantial factor in causing the injury.
Kansas		Permitted but not mandatory	WC Benefits denied when an injury, disability or death was contributed to by the employee's use or consumption of alcohol or any drugs. Conclusive presumption of impairment for alcohol in excess of .04 BAC or drug concentrations in excess of levels specified in statute. Rebuttable presumption that impairment contributed to injury.
Kentucky	5%	Accident requiring off-site medical treatment mandatory for discount	WC benefit denial when injury, occupational disease, or death was proximately caused primarily by the employee's intoxication.
Louisiana		Permitted but not mandatory	WC benefits may be denied for injury caused by intoxication. Alcohol .01 - .05 - presumed not intoxicated; .06 - .07 not presumption; .08 and above - presumed intoxicated. A positive drug test conducted in accordance with the law presumed intoxication that the incident was caused by the employee's intoxication. Refusal to submit to a test results in the presumption that the employee was intoxicated at the time of the accident.
Maine		No automatic post-accident. Reasonable suspicion allowed.	WC benefits denied if injury or death resulted from intoxication while on duty.
Maryland	4%	To obtain discount, mandatory for employees who caused or contributed to lost-time injury	Disqualification from receipt of monetary and medical WC benefits if injury solely caused by alcohol intoxication or unlawful use of drug. Disqualified from monetary WC benefits if injury primarily caused by alcohol intoxication or unlawful use of drug.
Massachusetts		Permitted but not mandatory	If the employee is injured by reason of his serious and willful misconduct, he shall not receive compensation; but this provision shall not bar compensation to his dependents if the injury results in death.
Michigan		Permitted but not mandatory	Misconduct disqualification from receipt of workers' compensation benefits but drug use or intoxication not mentioned
Minnesota		Permitted but not mandatory	Benefits may be denied if the employee's intoxication is the proximate cause of the injury. The burden of proof is upon the employer.
Mississippi	5%	Permitted but not mandatory	Benefits may be denied if the employee's intoxication is the proximate cause of his or her injury.
Missouri		Permitted but not mandatory	WC benefits may be reduced 50% if violation of DFWA policy and injury sustained in conjunction with use of alcohol or non-prescribed drugs. Total forfeiture of WC benefits is use of alcohol or non-prescribed drugs proximate cause of injury.

Montana		Reasonable suspicion post-accident permitted for employees holding safety sensitive / fiduciary positions but not required	WC benefits may be denied if the employee's use of alcohol or drugs not prescribed by a physician is the major contributing cause of the accident.
Nebraska		Permitted but not mandatory	WC benefits may be denied if the employee's alcohol or drug intoxication caused injury.
Nevada		Permitted but not mandatory	WC benefits may be denied if injury was proximately caused by the employee's intoxication. If the employee was intoxicated at the time of his injury, intoxication must be presumed to be a proximate cause unless rebutted by evidence to the contrary.
New Hampshire		Permitted but not mandatory	WC benefits may be denied for any injury which is caused in whole or in part by the intoxication (from drugs or alcohol) of the employee.
New Jersey			WC benefits may be denied only if intoxication is the sole cause of the injury.
New Mexico		Permitted but not mandatory	WC benefits reduced by 10% to 90% based on "the degree to which intoxication or being under the influence contributes to injury or death.
New York	Yes	Permitted but not mandatory	WC benefits may be denied if injury solely occasioned alcohol or controlled substance intoxication while on duty.
North Carolina	2.50%	Mandatory to obtain discount	WC benefits may be denied if injury proximately caused by intoxication or being under the influence of a controlled substance. A test deemed positive consistent with State or federal law creates presumption of intoxication / under the influence but not presumption of causation.
North Dakota	5% - 15%	Permitted but not mandatory	WC benefits may be denied if alcohol or drug induced impairment was a substantial contributing factor to injury. Refusal to submit to testing grounds for denial of WC benefits.
Ohio	Up to 20% over 5 yrs	Mandatory testing of all employees who may have caused or contributed to accident	WC benefit disqualification if alcohol or drug use was the proximate cause of the injury.
Oklahoma		Permitted but not mandatory	WC benefit disqualification if tests indicate concentration in excess of statutory levels. Refusal to take test also results in disqualification.
Oregon		Drug-testing permitted but not mandatory. Alcohol testing only with reasonable suspicion.	No WC benefits available if major contributing cause of accident was consumption of alcohol / drugs
Pennsylvania	5%	Permitted but not mandatory	No WC benefits if the injury or death would not have occurred but for the employee's intoxication, but the burden of proof of such fact shall be upon the employer.
Rhode Island		Requires reasonable suspicion	No WC benefits will be allowed if injury or death resulted from intoxication or unlawful use of controlled substances.
South Carolina	5%	Permitted but not required.	No benefits if injury or death was "occasioned" by intoxication of employee.

South Dakota		Permitted but not mandatory	WC benefits may be denied if injury or death due to the employee's willful misconduct, including intentional intoxication, or illegal use of any schedule I or schedule II drug. The burden of shall be on the defendant employer.
Tennessee	5%	Mandatory to obtain discount	failed post-accident test for alcohol or drugs creates presumption that alcohol or drugs was proximate cause of injury. Positive results affects eligibility for benefits. Presumption of causation for tests results equal or exceeding statutory thresholds
Texas		Permitted but not mandatory	WC benefits may be denied if the injury occurred while employee was in a "state of intoxication."
Utah		Permitted but not mandatory (Management employees must also be subject to testing)	WC benefits may be denied if the major contributing cause of the injury is the employee's unauthorized use of alcohol or a controlled substance. Any amount of controlled substance in system creates presumption that drug use was a major contributing cause.
Vermont		Requires reasonable cause.	WC benefits may be denied if injury caused by, or occurred during, an employee's intoxication.
Virginia	5%	Permitted but not mandatory	No WC benefits if injury or death proximately caused by employee's intoxication or use of a non-prescribed controlled substance. If injury result of multiple cause, intoxication / use only has to be one of them for disqualification. Employer's burden to prove causation but rebuttable presumption of alcohol or drug intoxication that employee must overcome.
Washington	5%	Permitted but not mandatory	WC benefits may be denied if level of intoxication is so great that employee has effectively removed the employee from the course of employment.
West Virginia		Post-accident blood test permitted if reasonable suspicion of intoxication	WC benefits may be denied if alcohol or drug intoxication caused the injury. Employee is deemed intoxicated and intoxication deemed proximate cause if blood test within 2 hrs of injury indicated .05 concentration at time of injury; or at the time of the blood test there is evidence of either on or off the job use of a non-prescribed controlled substance.
Wisconsin		Permitted but not mandatory	WC benefits may be denied for violation of employer's alcohol and controlled substance policy if there is a direct cause between violation and the injury.
Wyoming	5%	Permitted but not mandatory	Compensable "injury" does not include the fact the employee is intoxicated or under the influence of a controlled substance, or both, except any prescribed drug taken as directed by an authorized health care provider.