

Senate Bill 689

Sponsored by COMMITTEE ON BUSINESS, TRANSPORTATION AND WORKFORCE DEVELOPMENT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires workers' compensation insurers and Director of Department of Consumer and Business Services to provide employers with consultative services that include post-accident drug and alcohol testing information.

A BILL FOR AN ACT

1
2 Relating to workplace post-accident drug testing; amending ORS 654.090 and 654.097.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 654.097 is amended to read:

5 654.097. (1)(a) An insurer that issues guaranty contracts to employers pursuant to ORS chapter
6 656 shall furnish occupational safety and health loss control consultative services to its insured
7 employers in accordance with standards established by the Director of the Department of Consumer
8 and Business Services.

9 (b) A self-insured employer shall establish and implement an occupational safety and health loss
10 control program in accordance with standards established by the director.

11 (2) An insurer or self-insured employer may furnish any of the services required by this section
12 through an independent contractor.

13 (3) The program of an insurer for furnishing loss control consultative services as required by
14 this section shall be adequate to meet the minimum standards prescribed by the director by rule
15 from time to time. [*Such services shall include the conduct of*] **At a minimum, the insurer shall**
16 **conduct** workplace surveys to identify health and safety problems, **provide specific information**
17 **regarding post-accident drug and alcohol testing programs**, review [*of*] employer injury records
18 with appropriate persons and [*development of*] **develop** plans for improvement of employer health and
19 safety loss records. At the time a guaranty contract is issued and on an annual basis thereafter, the
20 insurer shall notify its insured employers of the loss control consultative services that the insurer
21 is required by rule to offer, without additional charge as provided in this section, and shall provide
22 a written description of the services that the insurer does offer.

23 (4) The insurer [*shall*] **may** not charge any fee in addition to the insurance premium for safety
24 and health loss control consultative services.

25 (5) Each insurer shall make available, at the request of the director and in the form prescribed
26 by the director, its annual expenditures for safety and health loss control activities for the prior
27 year and its budget for safety and health loss control activities for the following year.

28 (6) As used in this section, "employer," "insurer" and "self-insured employer" have the meaning
29 for those terms provided in ORS 656.005.

30 **SECTION 2.** ORS 654.090 is amended to read:

31 654.090. [*In order*] To carry out the purposes of ORS 654.001 to 654.295 and 654.750 to 654.780

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 and encourage voluntary compliance with occupational safety and health laws, regulations and
 2 standards and to promote more effective workplace health and safety programs, the Director of the
 3 Department of Consumer and Business Services shall:

4 (1) Develop greater knowledge and interest in the causes and prevention of industrial accidents,
 5 occupational diseases and related subjects through:

6 (a) Research, conferences, lectures and the use of public communications media;

7 (b) The collection and dissemination of accident statistics; and

8 (c) The publication and distribution of training and accident prevention materials, including
 9 audio and visual aids.

10 (2) Appoint advisers who shall, without compensation, assist the director in establishing stan-
 11 dards of safety and health. The director may adopt and incorporate in *[its]* regulations, rules and
 12 standards *[such]* **the** safety and health recommendations *[as it]* **that the director** may receive from
 13 *[such]* **the** advisers.

14 (3) Provide consultative services for employers on safety and health matters, **including infor-**
 15 **mation on post-accident drug and alcohol testing**, and prescribe procedures *[which]* **that** will
 16 permit any employer to request a special inspection or investigation, focused on specific problems
 17 or hazards in the place of employment of the employer or to request assistance in developing a plan
 18 to correct *[such]* **the** problems or hazards, which will not directly result in a citation and civil
 19 penalty.

20 (4) Place emphasis, in the research, education and consultation program, on development of a
 21 model for providing services to groups of small employers in particular industries and their em-
 22 ployees.

23 (5) Separately administer the voluntary compliance and research, education and consultation
 24 activities described in this section and the enforcement activities described in ORS 654.025 to
 25 654.086.

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