

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
24 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
28 employer pays some or all of the costs thereof.

29 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
3 other drug or drugs that affected the employee to such an
4 extent that the Commission determines that the intoxication
5 constituted a departure from employment. Evidence of the
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
9 bodily substance, shall be admissible in any hearing to
10 determine compensability. Should the employee refuse to
11 submit to such analysis, it shall be presumed, in the absence
12 of substantial evidence to the contrary, that the accident
13 was caused by the intoxication of the employee. If there was
14 at the time of the injury 0.08 percent or more by weight of
15 alcohol in the employee's blood or breath, it shall be
16 presumed, in the absence of substantial evidence to the
17 contrary, that the injury was caused by the intoxication of
18 the employee. Percentage by weight of alcohol in the blood
19 shall be based upon grams of alcohol per 100 milliliters of
20 blood. Percentage by weight of alcohol in the breath shall
21 be based upon grams of alcohol per 210 liters of breath.

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