

34A-3-112 Employee's willful misconduct.

- (1) Notwithstanding anything contained in this chapter, an employee or dependent of any employee is not entitled to receive compensation for disability or death from an occupational disease when the disability or death, wholly or in part, was caused by the purposeful self-exposure of the employee.
- (2) Except in cases resulting in death:
 - (a) Compensation provided for in this chapter shall be reduced 15% when the occupational disease is caused by the willful failure of the employee:
 - (i) to use safety devices when provided by the employer; or
 - (ii) to obey any order or reasonable rule adopted by the employer for the safety of the employee.
 - (b) Except when the employer permitted, encouraged, or had actual knowledge of the conduct described in Subsections (2)(b)(i) through (iii), disability compensation may not be awarded under this chapter to an employee when the major contributing cause of the employee's disease is the employee's:
 - (i) use of illegal substances;
 - (ii) intentional abuse of drugs in excess of prescribed therapeutic amounts; or
 - (iii) intoxication from alcohol with a blood or breath alcohol concentration of .08 grams or greater as shown by a chemical test.

Renumbered and Amended by Chapter 375, 1997 General Session