

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2026 Regular Session**

Part I: Measure Information

Bill Request #:	1596	Bill #:	HB 402
Document ID #:	2761	Sponsor:	Rep. Alan "Al" Gentry
Bill Title:	AN ACT relating to workers' compensation		

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local

Office(s) Impacted: Offices offering workers' compensation

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Other Fiscal Statement(s) that may exist: Actuarial Analysis Corrections Impact
 Health Benefit Mandate State Employee Health Plan

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

KRS 342.610 currently states that if an employee voluntarily introduces illegal or excessive prescribed substances into their body, resulting in measurable impairment, injury, disease or death, it is presumed the illegal substances caused the injury, occupational disease, or death.

HB 402 amends KRS 342.610 to state that if an employee voluntarily introduces illegal or excessive prescribed substances into their body, resulting in measurable impairment, injury, disease or death, it is the proximate cause of the injury, occupational disease or death. In such cases, the employer will not be liable for compensation.

The fiscal impact of HB 402 on local government is indeterminable but likely positive. If employers are not liable for compensation due to self-inflicted impairment from illegal substances or from excessive prescribed substances, this could lead to lower workers' compensation claims.

Data Source(s): LRC Staff

Preparer: HT **Reviewer:** MS (MDA) **Date:** 1/13/26