



CHAPTER 97

ARTICLE 1 - WORKERS' COMPENSATION ACT

N.C.G.S. § 97-12.

Use of intoxicant or controlled substance; willful neglect; willful disobedience of statutory duty, safety regulation or rule.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2005-448, s. 2 — third act in the lineage	21 September 2026, 02:02 UTC	4106be9277b0d6e9f56a652a - 7125e061d0822b3df5254ada - 1fdecce226afe6d

No compensation shall be payable if the injury or death to the employee was proximately caused by:

His intoxication, provided the intoxicant was not supplied by the employer or his agent in a supervisory capacity to the employee; or

His being under the influence of any controlled substance listed in the North Carolina Controlled Substances Act, G.S. 90-86, et seq., where such controlled substance was not by prescription by a practitioner; or

His willful intention to injure or kill himself or another.

When the injury or death is caused by the willful failure of the employer to comply with any statutory requirement or any lawful order of the Commission, compensation shall be increased ten percent (10%). When the injury or death is caused by the willful failure of the employee to use a safety appliance or perform a statutory duty or by the willful breach of any rule or regulation adopted by the employer and approved by the Commission and brought to the knowledge of the employee prior to the injury compensation shall be reduced ten percent (10%). The burden of proof shall be upon him who claims an exemption or forfeiture under this section.

"Intoxication" and "under the influence" shall mean that the employee shall have consumed a sufficient quantity of intoxicating beverage or controlled substance to cause the employee to lose the normal control of his or her bodily or mental faculties, or both, to such an extent that there was an appreciable impairment of either or both of these faculties at the time of the injury.

A result consistent with "intoxication" or being "under the influence" from a blood or other medical test conducted in a manner generally acceptable to the scientific community and consistent with applicable State and federal law, if any, shall create a rebuttable presumption of impairment from the use of alcohol or a controlled substance.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
3 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1929		1967		2005
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER	
01	1929	c. 120, s. 13	ENACTED	
02	1975	c. 740	AMENDED	
03	2005	S.L. 2005-448, s. 2	AMENDED	

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 90-86	(null)(2)	"the North Carolina Controlled Substances Act,"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 97-12 (2005).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1929, c. 120, s. 13; 1975, c. 740; 2005-448, s. 2.)

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NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

