

**304.13-412 Workers' compensation premium -- Credit for certified drug-free workplace program at coal mine.**

- (1) Any employer who is also a licensee of a coal mine that has implemented a drug-free workplace program, including an employee assistance program, certified by the Office of Mine Safety and Licensing shall be eligible to obtain a credit on the licensee's premium for workers' compensation insurance.
- (2) Each insurer authorized to write workers' compensation insurance policies shall provide the credit on the workers' compensation premium to any employer who is also a licensee of a coal mine for which the insurer has written a workers' compensation policy. The credit on the workers' compensation premium shall not:
  - (a) Be available to those employers that are also licensees who do not maintain their drug-free workplace program for the entire workers' compensation policy period; or
  - (b) Apply to minimum premium policies.
- (3) The Department of Insurance shall approve workers' compensation rating plans that give a credit on the premium for a certified drug-free workplace so long as the credit is actuarially sound. The credit shall be at least five percent (5%) unless the Department of Insurance determines that five percent (5%) is actuarially unsound.
- (4) The credit on the workers' compensation premium may be applied by the insurer at the final audit.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1147, effective July 15, 2010. -- Created 2006 Ky. Acts ch. 241, sec. 1, effective July 12, 2006.