

~~(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND FOR MEDICAL BENEFITS UNDER §§ 9-660 AND 9-661 OF THIS TITLE, A COVERED EMPLOYEE OR DEPENDENT OF A COVERED EMPLOYEE IS NOT ENTITLED TO COMPENSATION OR BENEFITS UNDER THIS TITLE AS A RESULT OF AN ACCIDENTAL PERSONAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE, IF THE PRIMARY CAUSE OF THE ACCIDENTAL PERSONAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE WAS THE INTOXICATION OF THE COVERED EMPLOYEE WHILE ON DUTY.~~

~~(4) COMPENSATION OR BENEFITS SHALL NOT BE DENIED UNDER PARAGRAPH (3) OR (3) OF THIS SUBSECTION IF:~~

~~(i) THE COVERED EMPLOYEE IS A LAW ENFORCEMENT OFFICER CARRYING OUT THE OFFICER'S OFFICIAL DUTIES; AND~~

~~(ii) THE CONTROLLED DANGEROUS SUBSTANCE OR ALCOHOL WAS ADMINISTERED, TAKEN, OR USED BY THE COVERED EMPLOYEE AS REQUIRED BY LAW.~~

[(d)](E) A covered employee or a dependent of a covered employee is not entitled to compensation or benefits under this title as a result of an accidental personal injury, compensable hernia, or occupational disease if the accidental personal injury, compensable hernia, or occupational disease was caused by the willful misconduct of the covered employee.

[(e)](F) In a proceeding on a claim for compensation, there is, absent substantial evidence to the contrary, a presumption that an accidental personal injury, compensable hernia, or occupational disease:

(1) was not caused by the intent of the covered employee to injure or kill the covered employee or another individual;

(2) was not caused solely by the effect on the covered employee of:

(i) a depressant, hallucinogenic, hypnotic, narcotic, or stimulant drug; or

(ii) another drug that makes the covered employee incapable of satisfactory job performance; and

(3) was not caused solely by the intoxication of the covered employee while on duty.

(G) IN A PROCEEDING ON A CLAIM FOR COMPENSATION UNDER SUBSECTION (D) OF THIS SECTION, THERE IS, ABSENT SUBSTANTIAL EVIDENCE TO THE CONTRARY, A PRESUMPTION THAT:

(1) THE EFFECT ON THE COVERED EMPLOYEE OF A CONTROLLED DANGEROUS SUBSTANCE WAS NOT THE PRIMARY CAUSE OF THE ACCIDENTAL PERSONAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE; AND