



General Assembly

**Amendment**

January Session, 2001

LCO No. 8728

Offered by:

REP. DONOVAN, 84<sup>th</sup> Dist.

REP. FLAHERTY, 68<sup>th</sup> Dist.

To: Subst. House Bill No. 6886

File No. 497

Cal. No. 352

**"AN ACT CLARIFYING ELIGIBILITY FOR HAZARDOUS DUTY  
DISABILITY COMPENSATION BENEFITS."**

1 In line 1, before "Subsection", insert "Section 1."

2 After line 93, insert the following:

3 "Sec. 2. Subdivision (1) of section 31-275 of the general statutes is  
4 repealed and the following is substituted in lieu thereof:

5 (1) "Arising out of and in the course of his employment" means an  
6 accidental injury happening to an employee or an occupational disease  
7 of an employee originating while [he] the employee has been engaged  
8 in the line of [his] the employee's duty in the business or affairs of the  
9 employer upon the employer's premises, or while engaged elsewhere  
10 upon the employer's business or affairs by the direction, express or  
11 implied, of the employer, provided:

12 (A) (i) For a [policeman and a fireman] police officer or firefighter,  
13 "in the course of his employment" [shall encompass his] encompasses

14 such individual's departure from [his] such individual's place of abode  
15 to duty, [his] such individual's duty, and [his] the return to [his] such  
16 individual's place of abode after duty.

17 (ii) Notwithstanding the provisions of clause (i) of this  
18 subparagraph, the dependents of any deceased employee of the  
19 Department of Correction who was injured in the course of his  
20 employment, as defined in this subparagraph, on or after July 1, 2000,  
21 and who died not later than July 15, 2000, shall be paid compensation  
22 on account of the death, in accordance with the provisions of section  
23 31-306, retroactively to the date of the employee's death. The cost of the  
24 payment shall be paid by the employer or its insurance carrier which  
25 shall be reimbursed for such cost from the Second Injury Fund as  
26 provided in section 31-354 upon presentation of any vouchers and  
27 information that the Treasurer may require;

28 (B) [a] A personal injury shall not be deemed to arise out of the  
29 employment unless causally traceable to the employment other than  
30 through weakened resistance or lowered vitality;

31 (C) [in] In the case of an accidental injury, a disability or a death due  
32 to the use of alcohol or narcotic drugs shall not be construed to be a  
33 compensable injury;

34 (D) [for] For aggravation of a preexisting disease, compensation  
35 shall be allowed only for that proportion of the disability or death due  
36 to the aggravation of the preexisting disease as may be reasonably  
37 attributed to the injury upon which the claim is based;

38 (E) [a] A personal injury shall not be deemed to arise out of the  
39 employment if the injury is sustained: (i) At the employee's place of  
40 abode, and (ii) while the employee is engaged in a preliminary act or  
41 acts in preparation for work unless such act or acts are undertaken at  
42 the express direction or request of the employer; [.]

43 (F) For purposes of subparagraph (C) of this subdivision, "narcotic  
44 drugs" means all controlled substances, as designated by the

45 Commissioner of Consumer Protection pursuant to subsection (c) of  
46 section 21a-243, but does not include drugs prescribed in the course of  
47 medical treatment or in a program of research operated under the  
48 direction of a physician or pharmacologist. For purposes of  
49 subparagraph (E) of this subdivision, "place of abode" includes the  
50 inside of the residential structure, the garage, the common hallways,  
51 stairways, driveways, walkways and the yard; [.]

52 (G) The Workers' Compensation Commission shall adopt  
53 regulations, in accordance with the provisions of chapter 54, to  
54 implement the provisions of this section and shall define the terms "a  
55 preliminary act" and "acts in preparation for work" on or before  
56 October 1, 1995.

57 Sec. 3. This act shall take effect from its passage, except that section  
58 1 shall take effect October 1, 2001."