



General Assembly

February Session, 2002

Raised Bill No. 57

LCO No. 61

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

**AN ACT CLARIFYING WORKERS' COMPENSATION COVERAGE FOR
THE AGGRAVATION OF PREEXISTING CONDITIONS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subparagraph (D) of subdivision (1) of section 31-275 of
2 the general statutes, as amended by section 2 of public act 01-208, is
3 repealed and the following is substituted in lieu thereof (*Effective from*
4 *passage*):

5 (D) For aggravation of a preexisting occupational disease,
6 compensation shall be allowed only for that proportion of the
7 disability or death due to the aggravation of the preexisting
8 occupational disease as may be reasonably attributed to the injury
9 upon which the claim is based.

10 Sec. 2. Subparagraph (B) of subdivision (16) of section 31-275 of the
11 general statutes is repealed and the following is substituted in lieu
12 thereof (*Effective from passage*):

13 (B) "Personal injury" or "injury" shall not be construed to include:

14 (i) An injury to an employee [which] that results from [his] the

15 employee's voluntary participation in any activity the major purpose
16 of which is social or recreational, including, but not limited to, athletic
17 events, parties and picnics, whether or not the employer pays some or
18 all of the cost of such activity;

19 (ii) A mental or emotional impairment, unless such impairment
20 arises from or is aggravated by a physical injury or occupational
21 disease;

22 (iii) A mental or emotional impairment [which] that results from a
23 personnel action, including, but not limited to, a transfer, promotion,
24 demotion or termination; or

25 (iv) Notwithstanding the provisions of clause (i) of this
26 subparagraph, "personal injury" or "injury" includes injuries to
27 employees of local or regional boards of education resulting from
28 participation in a school-sponsored activity but does not include any
29 injury incurred while going to or from such activity. As used in this
30 clause, "school-sponsored activity" means any activity sponsored,
31 recognized or authorized by a board of education and includes
32 activities conducted on or off school property and "participation"
33 means acting as a chaperone, advisor, supervisor or instructor at the
34 request of an administrator with supervisory authority over the
35 employee.

36 Sec. 3. Subdivision (20) of section 31-275 of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective from*
38 *passage*):

39 (20) "Previous disability" means an employee's preexisting condition
40 caused by the total or partial loss of, or loss of use of, one hand, one
41 arm, one foot or one eye resulting from accidental injury, disease or
42 congenital causes, or other permanent physical, mental or emotional
43 impairment.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>

Statement of Purpose:

To clarify that a workers' compensation claimant who suffers from a preexisting, nonwork-related mental or emotional impairment that is aggravated by a work-related injury or occupational disease is entitled to workers' compensation benefits for the aggravation of the preexisting mental or emotional impairment.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]