



General Assembly

February Session, 2002

Raised Bill No. 120

LCO No. 784

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CONCERNING SCARRING AND DISFIGUREMENT.

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

1 Section 1. Subsection (c) of section 31-308 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2002*):

4 (c) In addition to compensation for total or partial incapacity or for a
5 specific loss of a member or use of the function of a member of the
6 body, the commissioner, not earlier than one year from the date of the
7 injury and not later than two years from the date of the injury or the
8 surgery date of the injury, may award compensation equal to seventy-
9 five per cent of the average weekly earnings of the injured employee,
10 calculated pursuant to section 31-310, after such earnings have been
11 reduced by any deduction for federal or state taxes, or both, and for
12 the federal Insurance Contributions Act made from such employee's
13 total wages received during the period of calculation of the employee's
14 average weekly wage pursuant to said section 31-310, but not more
15 than one hundred per cent, raised to the next even dollar, of the
16 average weekly earnings of production and related workers in
17 manufacturing in the state, as determined in accordance with the

18 provisions of section 31-309, for up to two hundred eight weeks, for
19 any permanent significant disfigurement of, or permanent significant
20 scar on, [(A) the face, head or neck, or (B) on any other area of the body
21 which handicaps the employee in obtaining or continuing to work. The
22 commissioner may not award compensation under this subsection
23 when the disfigurement was caused solely by the loss of or the loss of
24 use of a member of the body for which compensation is provided
25 under subsection (b) of this section or for any scar resulting from an
26 inguinal hernia operation or any spinal surgery] any area of the body.
27 In making any award under this subsection, the commissioner shall
28 consider (1) the location of the scar or disfigurement, (2) the size of the
29 scar or disfigurement, (3) the visibility of the scar or disfigurement due
30 to hyperpigmentation or depigmentation, whether hypertrophic or
31 keloidal, (4) whether the scar or disfigurement causes a tonal or
32 textural skin change, causes loss of symmetry of the affected area or
33 results in noticeable bumps or depressions in the affected area, and (5)
34 other relevant factors. [Notwithstanding the provisions of this
35 subsection, no compensation shall be awarded for any scar or
36 disfigurement which is not located on (A) the face, head or neck, or (B)
37 any other area of the body which handicaps the employee in obtaining
38 or continuing to work.] In addition to the requirements contained in
39 section 31-297, the commissioner shall provide written notice to the
40 employer or its representative prior to any hearing held by the
41 commissioner to consider an award for any scar or disfigurement
42 under this subsection.

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| This act shall take effect as follows: | |
| Section 1 | <i>October 1, 2002</i> |

Statement of Purpose:
To allow workers' compensation commissioners greater flexibility in awarding additional workers' compensation benefits for permanent, significant disfigurements or scars on any area of the body.

[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.]