



General Assembly

Substitute Bill No. 823

January Session, 2013



**AN ACT CONCERNING SEVERE MENTAL OR EMOTIONAL
IMPAIRMENT AND WORKERS' COMPENSATION COVERAGE.**

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

1 Section 1. Subdivision (16) of section 31-275 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (16) (A) "Personal injury" or "injury" includes, in addition to
5 accidental injury that may be definitely located as to the time when
6 and the place where the accident occurred, an injury to an employee
7 that is causally connected with the employee's employment and is the
8 direct result of repetitive trauma or repetitive acts incident to such
9 employment, and occupational disease.

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

11 (i) An injury to an employee that results from the employee's
12 voluntary participation in any activity the major purpose of which is
13 social or recreational, including, but not limited to, athletic events,
14 parties and picnics, whether or not the employer pays some or all of
15 the cost of such activity;

16 (ii) A mental or emotional impairment, unless such impairment (I)
17 arises from a physical injury or occupational disease, (II) in the case of

18 a police officer, arises from such police officer's use of deadly force or
19 subjection to deadly force in the line of duty, regardless of whether
20 such police officer is physically injured, provided such police officer is
21 the subject of an attempt by another person to cause such police officer
22 serious physical injury or death through the use of deadly force, and
23 such police officer reasonably believes such police officer to be the
24 subject of such an attempt, [or] (III) in the case of a firefighter, is
25 diagnosed as post-traumatic stress disorder by a licensed and board
26 certified mental health professional, determined by such professional
27 to be originating from the firefighter witnessing the death of another
28 firefighter while engaged in the line of duty and not subject to any
29 other exclusion in this section, or (IV) in the case of any employee, is
30 diagnosed by a licensed and board certified mental health professional,
31 determined by such professional to be originating from the employee
32 witnessing the death or maiming, or the immediate aftermath of such
33 death or maiming, of one or more human beings whose death or
34 maiming was caused by an intentional act of another human being,
35 and which is not the result of some natural cause, provided the
36 witnessing of such death or maiming was causally connected with the
37 employee's employment. As used in this clause, "police officer" means
38 a member of the Division of State Police within the Department of
39 Emergency Services and Public Protection, an organized local police
40 department or a municipal constabulary, "firefighter" means a
41 uniformed member of a municipal paid or volunteer fire department,
42 and "in the line of duty" means any action that a police officer or
43 firefighter is obligated or authorized by law, rule, regulation or written
44 condition of employment service to perform, or for which the police
45 officer or firefighter is compensated by the public entity such officer
46 serves;

47 (iii) A mental or emotional impairment that results from a personnel
48 action, including, but not limited to, a transfer, promotion, demotion
49 or termination; or

50 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this

51 subdivision, "personal injury" or "injury" includes injuries to
52 employees of local or regional boards of education resulting from
53 participation in a school-sponsored activity but does not include any
54 injury incurred while going to or from such activity. As used in this
55 clause, "school-sponsored activity" means any activity sponsored,
56 recognized or authorized by a board of education and includes
57 activities conducted on or off school property and "participation"
58 means acting as a chaperone, advisor, supervisor or instructor at the
59 request of an administrator with supervisory authority over the
60 employee.

61 Sec. 2. Section 31-294h of the general statutes is repealed. (*Effective*
62 *October 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	31-275(16)
Sec. 2	<i>October 1, 2013</i>	Repealer section

LAB *Joint Favorable Subst.*

APP *Joint Favorable*