



General Assembly

**Amendment**

January Session, 2015

LCO No. 8077



Offered by:

SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. DUFF, 25<sup>th</sup> Dist.  
SEN. OSTEN, 19<sup>th</sup> Dist.

SEN. LARSON, 3<sup>rd</sup> Dist.  
SEN. WITKOS, 8<sup>th</sup> Dist.  
SEN. GOMES, 23<sup>rd</sup> Dist.

To: Subst. Senate Bill No. 593

File No. 293

Cal. No. 226

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subdivision (16) of section 31-275 of the general statutes  
4 is repealed and the following is substituted in lieu thereof (*Effective*  
5 *from passage*):

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

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

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

18 (ii) A mental or emotional impairment, unless such impairment (I)  
19 arises from a physical injury or occupational disease, (II) in the case of  
20 a police officer, arises from such police officer's use of deadly force or  
21 subjection to deadly force in the line of duty, regardless of whether  
22 such police officer is physically injured, provided such police officer is  
23 the subject of an attempt by another person to cause such police officer  
24 serious physical injury or death through the use of deadly force, and  
25 such police officer reasonably believes such police officer to be the  
26 subject of such an attempt, [or] (III) in the case of a firefighter, is  
27 diagnosed as post-traumatic stress disorder by a licensed and board  
28 certified mental health professional, determined by such professional  
29 to be originating from the firefighter witnessing the death of another  
30 firefighter while engaged in the line of duty and not subject to any  
31 other exclusion in this section, or (IV) in the case of any police officer,  
32 is diagnosed by a psychiatrist licensed pursuant to chapter 370 or a  
33 psychologist licensed pursuant to chapter 383, and determined by such  
34 psychiatrist or psychologist to be originating from the police officer  
35 visually witnessing the death, or visually witnessing the immediate  
36 aftermath of such death, of one or more human beings, whose death  
37 was caused by an act of another human being, and which is not the  
38 result of some natural cause, provided such death is not the result of a  
39 motor vehicle collision and the visual witnessing of such death, or the  
40 visual witnessing of the aftermath of such death, was causally  
41 connected with the police officer's employment. As used in this clause,  
42 "police officer" means a member of the Division of State Police within  
43 the Department of Emergency Services and Public Protection, an  
44 organized [local] police department or a municipal constabulary,  
45 "firefighter" means a uniformed member of a [municipal] paid or  
46 volunteer fire department, [and] "in the line of duty" means any action

47 that a police officer or firefighter is obligated or authorized by law,  
48 rule, regulation or written condition of employment service to  
49 perform, or for which the police officer or firefighter is compensated  
50 by the public entity such officer serves, and "immediate aftermath"  
51 means the scene at which such death occurred for a period of time not  
52 to exceed six hours after such scene is secured by law enforcement  
53 officers;

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

57 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this  
58 subdivision, "personal injury" or "injury" includes injuries to  
59 employees of local or regional boards of education resulting from  
60 participation in a school-sponsored activity but does not include any  
61 injury incurred while going to or from such activity. As used in this  
62 clause, "school-sponsored activity" means any activity sponsored,  
63 recognized or authorized by a board of education and includes  
64 activities conducted on or off school property and "participation"  
65 means acting as a chaperone, advisor, supervisor or instructor at the  
66 request of an administrator with supervisory authority over the  
67 employee.

68 Sec. 2. Section 31-294j of the general statutes is repealed and the  
69 following is substituted in lieu thereof (*Effective October 1, 2015*):

70 (a) For the purpose of adjudication of claims for payment of benefits  
71 under the provisions of this chapter, a uniformed member of a paid  
72 municipal or volunteer fire department, a regular member of a paid  
73 municipal police department, a constable, as defined in section 31-294i,  
74 or a member of a volunteer ambulance service shall be eligible for such  
75 benefits for any disease arising out of and in the course of  
76 employment, including, but not limited to, hepatitis, meningococcal  
77 meningitis, tuberculosis, Kahler's Disease, non-Hodgkin's lymphoma,  
78 and prostate or testicular cancer that results in death or temporary or

79 permanent total or partial disability.

80 (b) (1) Notwithstanding any provisions of the general statutes, for  
81 the purpose of adjudication of claims for payment of benefits under  
82 the provisions of this chapter, a uniformed member of a paid fire  
83 department, a certified interior firefighter belonging to a volunteer fire  
84 department or a uniformed member of the Department of Emergency  
85 Services and Public Protection Fire and Explosion Unit assigned to  
86 investigate arson, shall be eligible for such benefits for the following  
87 types of cancers arising out of and in the course of employment:  
88 Kahler's Disease, non-Hodgkin's lymphoma, or any condition of cancer  
89 affecting the brain, skin, digestive system, endocrine system,  
90 respiratory system, lymphatic system, reproductive system, urinary  
91 system or hematological system that results in death or temporary or  
92 permanent total or partial disability. Such cancer shall be presumed to  
93 have been suffered in the line of duty as a result of the inhalation,  
94 absorption or ingestion of noxious fumes or poisonous gases, unless  
95 the contrary be shown by a preponderance of the evidence, provided  
96 (A) such uniformed member of a paid fire department, certified  
97 interior firefighter belonging to a volunteer fire department or  
98 uniformed member of the Department of Emergency Services and  
99 Public Protection Fire and Explosion Unit assigned to investigate arson  
100 successfully passed a physical examination upon entry into such  
101 service, or subsequent to entry, as the case may be, that failed to reveal  
102 any evidence of such cancer, (B) (i) such uniformed member has  
103 worked for not less than five years at a paid fire department or the  
104 Department of Emergency Services and Public Protection Fire and  
105 Explosion Unit assigned to investigate arson, or (ii) such certified  
106 interior firefighter belonging to a volunteer fire department has  
107 worked for not less than fifteen years at such fire department, at the  
108 time such cancer is discovered, or should have been discovered, and  
109 (C) such cancer is one that is known to result from exposure to heat,  
110 radiation or a known or suspected carcinogen as determined by the  
111 International Agency for Research on Cancer or the National  
112 Toxicology Program of the United States Department of Health and

113 Human Services.

114 (2) Any individual who is no longer actively serving as a uniformed  
115 member of a paid fire department, a certified interior firefighter  
116 belonging to a volunteer fire department or a uniformed member of  
117 the Department of Emergency Services and Public Protection Fire and  
118 Explosion Unit assigned to investigate arson, but who otherwise  
119 would be eligible for such benefits pursuant to the provisions of  
120 subdivision (1) of this subsection, may apply for such benefits not  
121 more than five years from the date such individual last served with  
122 such paid fire department, volunteer fire department or the  
123 Department of Emergency Services and Public Protection Fire and  
124 Explosion Unit assigned to investigate arson.

125 (3) Any uniformed member of a paid fire department, certified  
126 interior firefighter belonging to a volunteer fire department or  
127 uniformed member of the Department of Emergency Services and  
128 Public Protection Fire and Explosion Unit assigned to investigate arson  
129 or individual applying for benefits pursuant to subdivision (1) or (2) of  
130 this subsection shall be required to submit to annual physical  
131 examinations as a condition of receiving such benefits, the results of  
132 which shall be reported to such paid fire department, volunteer fire  
133 department or the Department of Emergency Services and Public  
134 Protection Fire and Explosion Unit.

135 (4) No uniformed member of a paid fire department, certified  
136 interior firefighter belonging to a volunteer fire department or  
137 uniformed member of the Department of Emergency Services and  
138 Public Protection Fire and Explosion Unit assigned to investigate arson  
139 shall be eligible for such benefits pursuant to the provisions of  
140 subdivision (1) of this subsection if it is proven that such uniformed  
141 member or certified interior firefighter has smoked any cigarettes, as  
142 defined in section 12-285, or otherwise used any tobacco products, as  
143 defined in section 12-330a, that are found to have caused such  
144 incapacity.

145       Sec. 3. Section 31-294h of the general statutes is repealed. (*Effective*  
 146       *from passage*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-275(16)
Sec. 2	<i>October 1, 2015</i>	31-294j
Sec. 3	<i>from passage</i>	Repealer section