

**Proposed Substitute
Bill No. 902**

LCO No. 4846

**AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE
FOR POLICE OFFICERS AND FIREFIGHTERS WITH POST-
TRAUMATIC STRESS DISORDER.**

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2 repealed and the following is substituted in lieu thereof (*Effective*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 *January 1, 2016, and applicable to the visual witnessing of a death, or the*
4 *immediate aftermath of a death, occurring on or after said date*):

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

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

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

17 (ii) A mental or emotional impairment, unless such impairment (I)
18 arises from a physical injury or occupational disease, (II) in the case of
19 a police officer, arises from such police officer's use of deadly force or
20 subjection to deadly force in the line of duty, regardless of whether
21 such police officer is physically injured, provided such police officer is
22 the subject of an attempt by another person to cause such police officer
23 serious physical injury or death through the use of deadly force, and
24 such police officer reasonably believes such police officer to be the
25 subject of such an attempt, [or] (III) in the case of a firefighter, is
26 diagnosed as post-traumatic stress disorder by a [licensed and board
27 certified mental health professional] psychiatrist licensed pursuant to
28 chapter 370 or a psychologist licensed pursuant to chapter 383,
29 determined by such [professional] psychiatrist or psychologist to be
30 originating from the firefighter witnessing the death of another
31 firefighter while engaged in the line of duty and not subject to any
32 other exclusion in this section, or (IV) in the case of a police officer or
33 firefighter, is diagnosed as post-traumatic stress disorder by a
34 psychiatrist licensed pursuant to chapter 370 or a psychologist licensed
35 pursuant to chapter 383, determined by such psychiatrist or
36 psychologist to be originating from the police officer or firefighter
37 visually witnessing the death of a human being, or the immediate
38 aftermath of such death, provided the visual witnessing of such death
39 or the aftermath of such death occurred while the police officer or
40 firefighter was engaged in the line of duty. As used in this clause,
41 "police officer" means a member of the Division of State Police within
42 the Department of Emergency Services and Public Protection, an
43 organized local police department or a municipal constabulary,
44 "firefighter" means a uniformed member of a municipal paid or
45 volunteer fire department, [and] "in the line of duty" means any action
46 that a police officer or firefighter is obligated or authorized by law,
47 rule, regulation or written condition of employment service to
48 perform, or for which the police officer or firefighter is compensated
49 by the public entity such officer serves, and "immediate aftermath"
50 means the scene at which such death occurred for a period of time not
51 to exceed six hours after such scene is secured by law enforcement

52 officers;

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

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

67 Sec. 2. Section 31-294h of the general statutes is repealed. (*Effective*
68 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2016, and applicable to the visual witnessing of a death, or the immediate aftermath of a death, occurring on or after said date</i>	31-275(16)
Sec. 2	<i>from passage</i>	Repealer section