



**AN ACT INCLUDING CERTAIN MENTAL OR EMOTIONAL
IMPAIRMENTS WITHIN THE DEFINITION OF "PERSONAL INJURY"
UNDER THE WORKERS' COMPENSATION STATUTES.**

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2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

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 police officer
30 or firefighter, is: Diagnosed as post-traumatic stress disorder by a
31 licensed and board certified mental health professional; determined by
32 such professional to be originating from the police officer or firefighter
33 visually witnessing the death or maiming of one or more human
34 beings; not the result of some natural cause, and the visual witnessing
35 of such death or maiming, or the visual witnessing of the immediate
36 aftermath of such death or maiming, occurred while the police officer
37 or firefighter was engaged in the line of duty. As used in this clause,
38 "police officer" means a member of the Division of State Police within
39 the Department of Emergency Services and Public Protection, an
40 organized local police department or a municipal constabulary,
41 "firefighter" means a uniformed member of a municipal paid or
42 volunteer fire department, [and] "in the line of duty" means any action
43 that a police officer or firefighter is obligated or authorized by law,
44 rule, regulation or written condition of employment service to
45 perform, or for which the police officer or firefighter is compensated
46 by the public entity such officer serves, "maiming" means the loss of
47 any member or organ, and "immediate aftermath" means the scene at
48 which such death or maiming occurred for a period of time not to
49 exceed six hours after such scene is secured by law enforcement
50 officers;

51 (iii) A mental or emotional impairment that results from a personnel
52 action, including, but not limited to, a transfer, promotion, demotion

53 or termination; or

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

65 Sec. 2. (NEW) (*Effective from passage*) Not later than October 1, 2019,
 66 the state shall purchase a workers' compensation insurance policy to
 67 provide coverage for any claims for workers' compensation benefits
 68 made pursuant to subparagraph (B)(ii)(IV) of subdivision (16) of
 69 section 31-275 of the general statutes, as amended by this act.

70 Sec. 3. Section 31-294h of the general statutes is repealed. (*Effective*
 71 *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>from passage</i>	New section
Sec. 3	<i>from passage</i>	Repealer section

Statement of Legislative Commissioners:

In Section 1, "immediate" was inserted before "aftermath", for accuracy. Technical changes were made in Subdivision (16)(B)(ii)(IV), for clarity.

LAB Joint Favorable Subst. -LCO