

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 2271

 By: West (Josh) of the House

5 and

6 **Smalley** of the Senate

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9 AS INTRODUCED

10 An Act relating to Workers' Compensation; amending
11 Section 13, Chapter 208, O.S.L. 2013 (85A O.S. Supp.
12 2018, Section 13), which relates to mental injury or
13 illness; modifying situations in which mental injury
 or illness is a compensable injury; and providing an
 effective date.

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16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY Section 13, Chapter 208, O.S.L.
18 2013 (85A O.S. Supp. 2018, Section 13), is amended to read as
19 follows:

20 Section 13. A. 1. A mental injury or illness is not a
21 compensable injury unless caused by a physical injury to the
22 employee, and shall not be considered an injury arising out of and
23 in the course and scope of employment or compensable unless
24 demonstrated by a preponderance of the evidence; provided, however,

1 that this physical injury limitation shall not apply to any victim
2 of a crime of violence or to a police officer, firefighter,
3 emergency medical technician or any other employee of an emergency
4 service who is likely to be among the first people to arrive at and
5 assist at the scene of an emergency and who suffers a mental injury
6 or illness related to duties performed responding to the emergency.

7 2. No mental injury or illness under this section shall be
8 compensable unless it is also diagnosed by a licensed psychiatrist
9 or psychologist and unless the diagnosis of the condition meets the
10 criteria established in the most current issue of the Diagnostic and
11 Statistical Manual of Mental Disorders.

12 B. 1. Notwithstanding any other provision of this act, where a
13 claim is for mental injury or illness, the employee shall be limited
14 to twenty-six (26) weeks of disability benefits unless it is shown
15 by clear and convincing evidence that benefits should continue for a
16 set period of time, not to exceed a total of fifty-two (52) weeks.

17 2. a. In cases where death results directly from the mental
18 injury or illness within a period of one (1) year,
19 compensation shall be paid the dependents as provided
20 in other death cases under this act.

21 b. Death directly or indirectly related to the mental
22 injury or illness occurring one (1) year or more from
23 the incident resulting in the mental injury or illness
24 shall not be a compensable injury.

SECTION 2. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/13/2019 - DO
PASS, As Coauthored.