

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0784.01 Josh Schultz x5486

HOUSE BILL 24-1140

HOUSE SPONSORSHIP

Weinberg,

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ELIGIBILITY FOR WORKERS' COMPENSATION BENEFITS
102 FOR WORKERS DIAGNOSED WITH POSTTRAUMATIC STRESS
103 DISORDER AS THE RESULT OF COMPLEX TRAUMA.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

For the purpose of determining eligibility for workers' compensation benefits for a mental impairment caused by an accidental injury that consists of a psychologically traumatic event arising out of and sustained in the course of employment, the bill establishes that a worker who, while working, experiences complex trauma that causes

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

posttraumatic stress disorder is experiencing a "psychologically traumatic event".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 8-41-301, **amend**
3 (3)(a), (3)(b)(II)(B), and (3)(b)(II)(C); and **add** (3)(a.5) and (3)(b)(II)(D)
4 as follows:

5 **8-41-301. Conditions of recovery - definitions.** (3) As used in
6 this section:

7 (a) ~~"Mental impairment" means a recognized, permanent disability~~
8 ~~arising from an accidental injury arising out of and in the course of~~
9 ~~employment when the accidental injury involves no physical injury and~~
10 ~~consists of a psychologically traumatic event. "Mental impairment" also~~
11 ~~includes a disability arising from an accidental physical injury that leads~~
12 ~~to a recognized permanent psychological disability~~ "COMPLEX TRAUMA"
13 MEANS CHRONIC OR REPEATED EXPOSURE TO TRAUMATIC EVENTS,
14 INCLUDING DEATH OF OTHERS, SEXUAL ASSAULT, CHILD ABUSE, DOMESTIC
15 VIOLENCE, OR A MOTOR VEHICLE ACCIDENT CAUSING BODILY INJURY, WITH
16 LONG-TERM EMOTIONAL OR PHYSICAL SYMPTOMS.

17 (a.5) "MENTAL IMPAIRMENT" MEANS A RECOGNIZED, PERMANENT
18 DISABILITY ARISING FROM AN ACCIDENTAL INJURY ARISING OUT OF AND IN
19 THE COURSE OF EMPLOYMENT WHEN THE ACCIDENTAL INJURY INVOLVES
20 NO PHYSICAL INJURY AND CONSISTS OF A PSYCHOLOGICALLY TRAUMATIC
21 EVENT. "MENTAL IMPAIRMENT" ALSO INCLUDES A DISABILITY ARISING
22 FROM AN ACCIDENTAL PHYSICAL INJURY THAT LEADS TO A RECOGNIZED
23 PERMANENT PSYCHOLOGICAL DISABILITY.

24 (b) (II) "Psychologically traumatic event" also includes an event
25 that is within a worker's usual experience only when the worker is

1 diagnosed with posttraumatic stress disorder by a licensed psychiatrist or
2 psychologist after the worker experienced exposure to one or more of the
3 following events:

4 (B) The worker visually or audibly, or both visually and audibly,
5 witnesses a death, or the immediate aftermath of the death, of one or more
6 people as the result of a violent event; ~~or~~

7 (C) The worker repeatedly and either visually or audibly, or both
8 visually and audibly, witnesses the serious bodily injury, or the immediate
9 aftermath of the serious bodily injury, of one or more people as the result
10 of the intentional act of another person or an accident; OR

11 (D) IF, HAVING PASSED A PSYCHOLOGICAL FIT-FOR-DUTY
12 ASSESSMENT AT THE TIME OF HIRE AND NOT HAVING BEEN PREVIOUSLY
13 DIAGNOSED WITH POSTTRAUMATIC STRESS DISORDER, THE WORKER
14 EXPERIENCES COMPLEX TRAUMA ARISING OUT OF AND SUSTAINED IN THE
15 COURSE OF EMPLOYMENT THAT THE LICENSED PSYCHIATRIST OR
16 PSYCHOLOGIST REASONABLY BELIEVES HAS CAUSED THE POSTTRAUMATIC
17 STRESS DISORDER.

18 **SECTION 2. Safety clause.** The general assembly finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety or for appropriations for
21 the support and maintenance of the departments of the state and state
22 institutions.