

SENATE BILL NO. 2256

Introduced by

Senator Sinner

Representatives Amerman, Guggisberg

1 A BILL for an Act to amend and reenact subdivision a of subsection 10 of section 65-01-02 and
2 paragraph 10 of subdivision b of subsection 10 of section 65-01-02 of the North Dakota Century
3 Code, relating to workers' compensation coverage of first responders for posttraumatic stress
4 disorder; to provide for application; and to provide an expiration date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subdivision a of subsection 10 of section 65-01-02 of the North
7 Dakota Century Code is amended and reenacted as follows:

8 a. The term includes:

- 9 (1) Disease caused by a hazard to which an employee is subjected in the
10 course of employment. The disease must be incidental to the character of
11 the business and not independent of the relation of employer and employee.
12 Disease includes effects from radiation.
- 13 (2) An injury to artificial members.
- 14 (3) Injuries due to heart attack or other heart-related disease, stroke, and
15 physical injury caused by mental stimulus, but only when caused by the
16 employee's employment with reasonable medical certainty, and only when it
17 is determined with reasonable medical certainty that unusual stress is at
18 least fifty percent of the cause of the injury or disease as compared with all
19 other contributing causes combined. Unusual stress means stress greater
20 than the highest level of stress normally experienced or anticipated in that
21 position or line of work.
- 22 (4) Injuries arising out of employer-required or supplied travel to and from a
23 remote jobsite or activities performed at the direction or under the control of
24 the employer.

- 1 (5) An injury caused by the willful act of a third person directed against an
2 employee because of the employee's employment.
- 3 (6) A mental or psychological condition caused by a physical injury, but only
4 when the physical injury is determined with reasonable medical certainty to
5 be at least fifty percent of the cause of the condition as compared with all
6 other contributing causes combined, and only when the condition did not
7 preexist the work injury.
- 8 (7) Posttraumatic stress disorder, if the injured employee is a first responder
9 and the injured employee establishes by a preponderance of the evidence
10 that the condition causing the posttraumatic stress disorder was
11 extraordinary and unusual in comparison to the normal conditions of the
12 particular employment.
- 13 (a) The employment event must be determined with reasonable medical
14 certainty to be at least fifty percent of the cause of the posttraumatic
15 stress disorder as compared to all other contributing causes
16 combined, and the posttraumatic stress disorder must be determined
17 to not preexist the employment event. The posttraumatic stress
18 disorder must be diagnosed by a licensed psychiatrist or psychologist
19 and the diagnosis must meet the criteria established in the edition of
20 the diagnostic and statistical manual of mental disorders in effect on
21 the effective date of this Act or a subsequent edition designated by the
22 organization.
- 23 (b) The posttraumatic stress disorder may not have resulted from an
24 event or series of events that are incidental to normal employer and
25 employee relations, including a personnel action by the employer
26 such as a disciplinary action, work evaluation, transfer, promotion,
27 demotion, salary review, or termination.
- 28 (c) As used in this paragraph, the term "first responder" means a full-time
29 paid firefighter, a full-time paid law enforcement officer as defined
30 under section 65-01-15.1, or a full-time paid emergency medical
31 services personnel as defined under section 23-27-02.

1 (d) Notwithstanding any other law to the contrary, disability benefits
2 payable under this paragraph may not exceed twenty-six weeks and
3 all other benefits payable may not exceed fifteen thousand dollars.

4 **SECTION 2. AMENDMENT.** Paragraph 10 of subdivision b of subsection 10 of section
5 65-01-02 of the North Dakota Century Code is amended and reenacted as follows:

6 (10) ~~A~~Except as otherwise provided in subdivision a, a mental injury arising from
7 mental stimulus.

8 **SECTION 3. APPLICATION.** This Act applies to injuries that occur on or after the effective
9 date of this Act.

10 **SECTION 4. EXPIRATION DATE.** This Act is effective through July 31, 2017, and after that
11 date is ineffective.