

1 ENGROSSED HOUSE  
2 BILL NO. 2271

By: West (Josh) of the House

3 and

4 Smalley of the Senate  
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7 An Act relating to Workers' Compensation; amending  
8 Section 13, Chapter 208, O.S.L. 2013 (85A O.S. Supp.  
9 2018, Section 13), which relates to mental injury or  
10 illness; modifying situations in which mental injury  
11 or illness is a compensable injury; and providing an  
12 effective date.

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

14 SECTION 1. AMENDATORY Section 13, Chapter 208, O.S.L.  
15 2013 (85A O.S. Supp. 2018, Section 13), is amended to read as  
16 follows:

17 Section 13. A. 1. A mental injury or illness is not a  
18 compensable injury unless caused by a physical injury to the  
19 employee, and shall not be considered an injury arising out of and  
20 in the course and scope of employment or compensable unless  
21 demonstrated by a preponderance of the evidence; provided, however,  
22 that this physical injury limitation shall not apply to any victim  
23 of a crime of violence or to a police officer, firefighter,  
24 emergency medical technician or any other employee of an emergency

1 service who is likely to be among the first people to arrive at and  
2 assist at the scene of an emergency and who suffers a mental injury  
3 or illness related to duties performed responding to the emergency.

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

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

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

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

22       SECTION 2. This act shall become effective November 1, 2019.  
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1 Passed the House of Representatives the 4th day of March, 2019.

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4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2019.

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9 Presiding Officer of the Senate