**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3147**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pope, Tallon, Southard, V.S. Moss and Huggins

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Introduced in the House on January 8, 2013

Introduced in the Senate on January 21, 2014

Last Amended on June 5, 2013

Currently residing in the Senate Committee on **Judiciary**

Summary: Workers' Compensation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2012 House Prefiled

12/11/2012 House Referred to Committee on **Labor, Commerce and Industry**

1/8/2013 House Introduced and read first time ([House Journal‑page 105](file:///H:\HJ%20Archive\2013\01-08-13.docx))

1/8/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 105](file:///H:\HJ%20Archive\2013\01-08-13.docx))

1/17/2013 House Member(s) request name added as sponsor: V.S.Moss

2/27/2013 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 78](file:///H:\HJ%20Archive\2013\02-27-13.docx))

2/28/2013 Scrivener's error corrected

3/5/2013 House Recommitted to Committee on **Judiciary** ([House Journal‑page 23](file:///H:\HJ%20Archive\2013\03-05-13.docx))

4/24/2013 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 64](file:///H:\HJ%20Archive\2013\04-24-13.docx))

4/25/2013 House Member(s) request name added as sponsor: Huggins

4/30/2013 House Requests for debate‑Rep(s). Pope, Simrilill, Norman, Kennedy, Hiott ([House Journal‑page 93](file:///H:\HJ%20Archive\2013\04-30-13.docx))

5/15/2013 House Debate adjourned until Thur., 5‑16‑13 ([House Journal‑page 29](file:///H:\HJ%20Archive\2013\05-15-13.docx))

6/5/2013 House Requests for debate removed‑Rep(s). Simrill, Kennedy, Hiott ([House Journal‑page 14](file:///H:\HJ%20Archive\2013\06-05-13.docx))

6/5/2013 House Amended ([House Journal‑page 119](file:///H:\HJ%20Archive\2013\06-05-13.docx))

6/5/2013 House Requests for debate‑Rep(s). Hiott, Loftis, Norman, Toole, GR Smith, Wells, Hardee, Skelton, Forrester, Ryhal, Pitts, Hosey, Knight, McCoy, Long, Jefferson, Southard, Daning, Sandifer ([House Journal‑page 133](file:///H:\HJ%20Archive\2013\06-05-13.docx))

1/15/2014 House Read second time ([House Journal‑page 56](file:///H:\HJ%20Archive\2014\01-15-14.docx))

1/15/2014 House Roll call Yeas‑69 Nays‑45 ([House Journal‑page 56](file:///H:\HJ%20Archive\2014\01-15-14.docx))

1/16/2014 House Read third time and sent to Senate ([House Journal‑page 249](file:///H:\HJ%20Archive\2014\01-16-14.docx))

1/21/2014 Senate Introduced and read first time ([Senate Journal‑page 13](file:///H:\SJ%20Archive\2014\01-21-14.docx))

1/21/2014 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 13](file:///H:\SJ%20Archive\2014\01-21-14.docx))

1/31/2014 Senate Referred to Subcommittee: Gregory (ch), McElveen, Turner

**VERSIONS OF THIS BILL**

[12/11/2012](file:///p:\pprever\2013-14\3147_20121211.docx)

[2/27/2013](file:///p:\pprever\2013-14\3147_20130227.docx)

[2/28/2013](file:///p:\pprever\2013-14\3147_20130228.docx)

[4/24/2013](file:///p:\pprever\2013-14\3147_20130424.docx)

[6/5/2013](file:///p:\pprever\2013-14\3147_20130605.docx)

[1/15/2014](file:///p:\pprever\2013-14\3147_20140115.docx)

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Indicates New Matter

AMENDED

June 5, 2013

**H. 3147**

Introduced by Reps. Pope, Tallon, Southard, V.S. Moss and Huggins

S. Printed 1/15/14--H.

Read the first time January 8, 2013.

**A** **BILL**

TO AMEND SECTION 42‑1‑160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITIONS OF “INJURY” AND “PERSONAL INJURY” IN WORKERS’ COMPENSATION, SO AS TO MODIFY THE REQUIREMENTS OF AN EMPLOYEE SEEKING WORKERS’ COMPENSATION FOR PERSONAL INJURY CAUSED BY STRESS, MENTAL INJURY, OR MENTAL ILLNESS, AND TO ADD MENTAL ILLNESS TO RELATED CONDITIONS THAT ARE NOT COMPENSABLE IF RESULTING FROM AN EVENT INCIDENTAL TO NORMAL RELATIONS BETWEEN AN EMPLOYEE AND EMPLOYER.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 42‑1‑160 of the 1976 Code, as last amended by Act 111 of 2007, is further amended to read:

“Section 42‑1‑160. (A) ‘Injury’ and ‘personal injury’ mean only injury by accident arising out of and in the course of employment and shall not include a disease in any form, except when it results naturally and unavoidably from the accident and except such diseases as are compensable under the provisions of Chapter 11 of this title. In construing this section, an accident arising out of and in the course of employment includes employment of an employee of a municipality outside the corporate limits of the municipality when the employment was ordered by a duly authorized employee of the municipality.

(B) Stress, mental injuries, and mental illness arising out of and in the course of employment unaccompanied by physical injury and resulting in mental illness or injury are not considered a personal injury unless the employee establishes, by a preponderance of the evidence:

(1) that the employee’s employment conditions causing the stress, mental injury, or mental illness were extraordinary and unusual in comparison to the normal conditions of the particular employment; and

(2) the medical causation between the stress, mental injury, or mental illness, and the stressful employment conditions by medical evidence.

(C) The provisions of subsection (B)(1) do not apply, however, if the employee is employed as a law enforcement officer and the impairment causing the stress, mental injury, or mental illness arises from the law enforcement officer’s direct involvement in, or subjection to, the use of deadly force in the line of duty.

(~~C~~D) Stress, mental injuries, heart attacks, strokes, embolisms, or aneurisms arising out of and in the course of employment unaccompanied by physical injury are not considered compensable if they result from any event or series of events which are incidental to normal employer/employee relations including, but not limited to, personnel actions by the employer such as disciplinary actions, work evaluations, transfers, promotions, demotions, salary reviews, or terminations, except when these actions are taken in an extraordinary and unusual manner.

(~~D~~E) Stress, mental injuries, and mental illness alleged to have been aggravated by a work‑related physical injury may not be found compensable unless the aggravation is:

(1) admitted by the employer/carrier;

(2) noted in a medical record of an authorized physician that, in the physician’s opinion, the condition is at least in part causally‑related or connected to the injury or accident, whether or not the physician refers the employee for treatment of the condition;

(3) found to be causally‑related or connected to the accident or injury after evaluation by an authorized psychologist or psychiatrist; or

(4) noted in a medical record or report of the employee’s physician as causally‑related or connected to the injury or accident.

(~~E~~F) In medically complex cases, an employee shall establish by medical evidence that the injury arose in the course of employment. For purposes of this subsection, ‘medically complex cases’ means sophisticated cases requiring highly scientific procedures or techniques for diagnosis or treatment excluding MRIs, CAT scans, x‑rays, or other similar diagnostic techniques.

(~~F~~G) The word ‘accident’ as used in this title must not be construed to mean a series of events in employment, of a similar or like nature, occurring regularly, continuously, or at frequent intervals in the course of such employment, over extended periods of time. Any injury or disease attributable to such causes must be compensable only if culminating in a compensable repetitive trauma injury pursuant to Section 42‑1‑172 or an occupational disease pursuant to the provisions of Chapter 11 of this title.

(~~G~~H) As used in this section, ‘medical evidence’ means expert opinion or testimony stated to a reasonable degree of medical certainty, documents, records, or other material that is offered by a licensed health care provider.”

SECTION 2. This act takes effect upon approval by the Governor.

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