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SENATE BILL NO. 369

INTRODUCED BY J. TREBAS, C. FRIEDEL, J. ELLSWORTH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING COVERAGE UNDER WORKERS' COMPENSATION FOR EMPLOYEES EXPERIENCING SERIOUS ADVERSE EVENTS AFTER RECEIVING EMPLOYER-MANDATED VACCINES; PROVIDING A DEFINITION; AMENDING SECTION 39-71-119, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-71-119, MCA, is amended to read:

"39-71-119. Injury and accident defined. (1) (a) "Injury" or "injured" means:

- (a)(i) internal or external physical harm to the body that is established by objective medical findings;
- (b)(ii) damage to prosthetic devices;
- (c)(iii) damage to appliances, except for damage to eyeglasses, contact lenses, dentures, or hearing aids; or
- (d)(iv) death.

(b) (i) The term includes a serious adverse event experienced by an employee after receiving a vaccine mandated by an employer.

(ii) For the purposes of subsection (1)(b), "serious adverse event" means:

- (A) death or a life-threatening illness;
- (B) hospitalization or the prolongation of an existing hospitalization;
- (C) a persistent or significant incapacity or substantial disruption of the ability to conduct normal life

functions; or

~~(D)~~ a congenital anomaly or a birth defect; or

~~(E)(D)~~ a medical event that, based on appropriate medical judgment, may jeopardize the individual and may require medical or surgical intervention to prevent an outcome described in subsections (1)(b)(ii)(A)

Amendment - 1st Reading-white - Requested by: Jeremy Trebas - (S) Public Health, Welfare and Safety

- 2023

68th Legislature 2023

Drafter: Alexis Sandru, 406-444-4026

SB0369.001.001

1 through ~~(1)(b)(ii)(D)~~ (1)(b)(ii)(C).

2 (2) An injury is caused by an accident. An accident is:

3 (a) an unexpected traumatic incident or unusual strain;

4 (b) identifiable by time and place of occurrence;

5 (c) identifiable by member or part of the body affected; and

6 (d) caused by a specific event on a single day or during a single work shift.

7 (3) "Injury" or "injured" does not mean a physical or mental condition arising from:

8 (a) emotional or mental stress; or

9 (b) a nonphysical stimulus or activity.

10 (4) "Injury" or "injured" does not include a disease that is not caused by an accident.

11 (5) (a) A cardiovascular, pulmonary, respiratory, or other disease, cerebrovascular accident, or
12 myocardial infarction suffered by a worker is an injury only if the accident is the primary cause of the physical
13 condition in relation to other factors contributing to the physical condition.

14 (b) "Primary cause", as used in subsection (5)(a), means a cause that, with a reasonable degree of
15 medical certainty, is responsible for more than 50% of the physical condition."

17 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

19 NEW SECTION. Section 3. Applicability. [This act] applies to injuries occurring on or after [the
20 effective date of this act].

21 - END -