**A** **BILL**

TO AMEND SECTION 42‑1‑160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING 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.

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

SECTION 1. Sections 42‑1‑160(B) and (C) of the 1976 Code, as last amended by Act 111 of 2007, are further amended to read:

“(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:

(1) stress, mental injury, or mental illness~~,~~; and ~~the~~

(2) stressful employment conditions ~~by medical evidence~~.

(C) Stress, mental injuries, mental illness, 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.”

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

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