

**Introduced by Senators McClintock and Poochigian  
(Coauthors: Senators Aanestad, Ackerman, Ashburn, Battin,  
Denham, Johnson, Knight, Margett, McPherson, and Oller)**

February 20, 2003

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An act to amend Section 3208 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 414, as introduced, McClintock. Workers' compensation: injuries.

Existing law establishes a workers' compensation system to compensate an employee for injuries sustained in the course of his or her employment. Existing law defines "injury" for purposes of workers' compensation as including any injury or disease arising out of the employment.

This bill would revise this definition by specifying that the injury or disease arising out of the employment must be one that is certified by a physician using medical evidence based on objective medical findings. It would also make various technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 3208 of the Labor Code is amended to
- 2 read:
- 3 3208. "Injury" includes any injury or disease arising out of
- 4 the employment *that is certified by a physician using medical*
- 5 *evidence based on objective medical findings*, including injuries to

1 artificial members, dentures, hearing aids, eyeglasses, and  
2 medical braces of all types; ~~provided, however that. However,~~  
3 eyeglasses and hearing aids ~~will~~ *shall* not be replaced, repaired, or  
4 otherwise compensated for, unless injury to them is incident to an  
5 injury causing disability.

