

HOUSE BILL NO. 1163
with Senate Amendments
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Sixty-third
Legislative Assembly
of North Dakota

Introduced by

Representative Keiser

Senator Klein

1 A BILL for an Act to amend and reenact paragraph 7 of subdivision b of subsection 10 of section
2 65-01-02 of the North Dakota Century Code, relating to workers' compensation definitions of
3 compensable injury; and to provide for application.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Paragraph 7 of subdivision b of subsection 10 of section
6 65-01-02 of the North Dakota Century Code is amended and reenacted as follows:

7 (7) Injuries attributable to a preexisting injury, disease, or other condition,
8 including when the employment acts as a trigger to produce symptoms in
9 the preexisting injury, disease, or other condition unless the employment
10 substantially accelerates its progression or substantially worsens its
11 severity. Pain is a symptom and may be considered in determining whether
12 there is a substantial acceleration or substantial worsening of a preexisting
13 injury, disease, or other condition, but pain alone is not a substantial
14 acceleration or a substantial worsening.

15 **SECTION 2. APPLICATION.** This Act applies to all claims, regardless of the date of injury.