

By: Turner of Tarrant

H.B. No. 4038

A BILL TO BE ENTITLED

1 AN ACT
2 relating to eligibility for lifetime income benefits under the
3 workers' compensation system.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 408.161(a), Labor Code, is amended to
6 read as follows:

7 (a) Lifetime income benefits are paid until the death of the
8 employee for:

- 9 (1) total and permanent loss of sight in both eyes;
- 10 (2) loss of both feet at or above the ankle;
- 11 (3) loss of both hands at or above the wrist;
- 12 (4) loss of one foot at or above the ankle and the loss
13 of one hand at or above the wrist;
- 14 (5) an injury to the spine that results in permanent
15 and complete paralysis of both arms, both legs, or one arm and one
16 leg;
- 17 (6) a physically traumatic injury to the brain
18 resulting in the person having an incurable mental illness or
19 intellectual disability [~~insanity or imbecility~~]; [~~or~~]
- 20 (7) third degree burns that cover at least 40 percent
21 of the body and require grafting, or third degree burns covering the
22 majority of either both hands or one hand and the face; or
- 23 (8) adhesive arachnoiditis.

24 SECTION 2. The change in law made by this Act applies only

1 to a claim for lifetime income benefits based on a compensable
2 injury that occurs on or after the effective date of this Act. A
3 claim based on a compensable injury that occurs before the
4 effective date of this Act is governed by the law in effect on the
5 date the compensable injury occurred, and the former law is
6 continued in effect for that purpose.

7 SECTION 3. This Act takes effect September 1, 2021.