



General Assembly

February Session, 2004

**Amendment**

LCO No. 4265

**\*HB0551904265HDO\***

Offered by:  
REP. MCCLUSKEY, 20<sup>th</sup> Dist.

To: Subst. House Bill No. 5519      File No. 662      Cal. No. 221

**"AN ACT CONCERNING FIREFIGHTERS."**

1      After the last section, add the following and renumber sections and  
2      internal references accordingly:

3      "Sec. 501. (NEW) (*Effective October 1, 2004*) (a) As used in this  
4      section:

5      (1) "Body fluids" means blood and body fluids containing visible  
6      blood and other body fluids to which universal precautions for  
7      prevention of occupational transmission of blood-borne pathogens, as  
8      established by the National Centers for Disease Control, apply. For  
9      purposes of potential transmission of meningococcal meningitis or  
10     tuberculosis, the term "body fluids" includes respiratory, salivary and  
11     sinus fluids, including droplets, sputum and saliva, mucous and other  
12     fluids through which infectious airborne organisms can be transmitted  
13     between persons.

14     (2) "Emergency rescue or public safety worker" means a local or  
15     state police officer, state marshal, judicial marshal, correction officer,

16 emergency medical technician, medical response technician,  
17 paramedic, ambulance driver, firefighter, active member of a volunteer  
18 fire company or fire department engaged in volunteer duties, or active  
19 member of an organization certified as a volunteer ambulance service  
20 in accordance with section 19a-180 of the general statutes who, in the  
21 course of employment, runs a high risk of occupational exposure to  
22 hepatitis, meningococcal meningitis or tuberculosis.

23 (3) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A,  
24 hepatitis non-B, hepatitis C or any other strain of hepatitis generally  
25 recognized by the medical community.

26 (4) "High risk of occupational exposure" means risk that is incurred  
27 because a person subject to the provisions of this section, in  
28 performing the basic duties associated with such person's  
29 employment:

30 (A) Provides emergency medical treatment in a nonhealthcare  
31 setting where there is a potential for transfer of body fluids between  
32 persons;

33 (B) At the site of an accident, fire or other rescue or public safety  
34 operation, or in an emergency rescue or public safety vehicle, handles  
35 body fluids in or out of containers or works with or otherwise handles  
36 needles or other sharp instruments exposed to body fluids;

37 (C) Engages in the pursuit, apprehension or arrest of law violators  
38 or suspected law violators and, in performing such duties, may be  
39 exposed to body fluids; or

40 (D) Is responsible for the custody and physical restraint, when  
41 necessary, of prisoners or inmates within a prison, jail or other criminal  
42 detention facility, while on work detail outside the facility or while  
43 being transported and, in performing such duties, may be exposed to  
44 body fluids.

45 (5) "Occupational exposure", in the case of hepatitis, meningococcal

46 meningitis or tuberculosis, means an exposure that occurs during the  
47 performance of job duties that may place a worker at risk of infection.

48 (b) Any emergency rescue or public safety worker who suffers a  
49 condition or impairment of health that is caused by hepatitis,  
50 meningococcal meningitis or tuberculosis that requires medical  
51 treatment, and that results in total or partial incapacity or death shall  
52 be presumed to have sustained such condition or impairment of health  
53 in the course of employment and shall be entitled to receive workers'  
54 compensation benefits pursuant to chapter 568 of the general statutes,  
55 unless the contrary is shown by competent evidence, provided:

56 (1) The emergency rescue or public safety worker has, prior to  
57 diagnosis, undergone standard, medically acceptable tests for evidence  
58 of the communicable disease for which the presumption is sought or  
59 for evidence of medical conditions derived therefrom, which tests  
60 failed to indicate the presence of infection, or in the case of hepatitis  
61 infection, shall have banked serum for future testing, which future  
62 tests fail to reveal evidence of infection; and

63 (2) The emergency rescue or public safety worker presents a written  
64 affidavit verifying by written declaration that, to the best of the  
65 worker's knowledge and belief:

66 (A) In the case of meningococcal meningitis, in the ten days  
67 immediately preceding diagnosis, the worker was not exposed, outside  
68 the scope of employment, to any person known to have meningococcal  
69 meningitis or known to be an asymptomatic carrier of the disease.

70 (B) In the case of tuberculosis, in the period of time since the  
71 worker's last negative tuberculosis skin test, the worker has not been  
72 exposed, outside the scope of employment, to any person known by  
73 the worker to have tuberculosis.

74 (c) The employing agency shall maintain a record of any known or  
75 reasonably suspected exposure of an emergency rescue or public safety  
76 worker in its employ to the diseases described in this section and shall

77 immediately notify the employee of such exposure. An emergency  
78 rescue or public safety worker shall file an incident or accident report  
79 with the worker's employer of each instance of known or suspected  
80 occupational exposure to hepatitis infection, meningococcal meningitis  
81 or tuberculosis.

82 Sec. 502. Subparagraph (A) of subdivision (1) of section 31-275 of the  
83 general statutes, as amended by section 146 of public act 03-6 of the  
84 June 30 special session, is repealed and the following is substituted in  
85 lieu thereof (*Effective October 1, 2004*):

86 (A) (i) For a police officer or firefighter, "in the course of his  
87 employment" encompasses such individual's departure from such  
88 individual's place of abode to duty, such individual's duty, and the  
89 return to such individual's place of abode after duty.

90 (ii) For a police officer, firefighter or emergency medical technician  
91 employed by the state or any of its political subdivisions, "in the course  
92 of his employment" encompasses an accidental death, disability or  
93 injury that occurs while such individual is responding to an  
94 emergency outside of the individual's regular hours of employment.

95 [(ii)] (iii) Notwithstanding the provisions of clause (i) of this  
96 subparagraph, the dependents of any deceased employee of the  
97 Department of Correction who was injured in the course of his  
98 employment, as defined in this subparagraph, on or after July 1, 2000,  
99 and who died not later than July 15, 2000, shall be paid compensation  
100 on account of the death, in accordance with the provisions of section  
101 31-306, retroactively to the date of the employee's death. The cost of the  
102 payment shall be paid by the employer or its insurance carrier which  
103 shall be reimbursed for such cost from the Second Injury Fund as  
104 provided in section 31-354 upon presentation of any vouchers and  
105 information that the Treasurer may require."