



General Assembly

**Substitute Bill No. 849**

January Session, 2005

\* \_\_\_\_\_SB00849JUD\_\_\_042705\_\_\_\_\_\*

**AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE  
FOR EMERGENCY SERVICES PERSONNEL.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) As used in this  
2 section:

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

12 (2) "Emergency rescue or public safety worker" means a local or  
13 state police officer, state marshal, judicial marshal, correction officer,  
14 emergency medical technician, medical response technician,  
15 paramedic, ambulance driver, firefighter, active member of a volunteer  
16 fire company or fire department engaged in volunteer duties, or active  
17 member of an organization certified as a volunteer ambulance service  
18 in accordance with section 19a-180 of the general statutes who, in the  
19 course of employment, runs a high risk of occupational exposure to

20 hepatitis, meningococcal meningitis or tuberculosis.

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

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

28 (A) Provides emergency medical treatment in a non-health-care  
29 setting where there is a potential for transfer of body fluids between  
30 persons;

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

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

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

43 (5) "Occupational exposure", in the case of hepatitis, meningococcal  
44 meningitis or tuberculosis, means an exposure that occurs during the  
45 performance of job duties that may place a worker at risk of infection.

46 (b) Any emergency rescue or public safety worker who suffers a  
47 condition or impairment of health that is caused by hepatitis,  
48 meningococcal meningitis or tuberculosis that requires medical  
49 treatment, and that results in total or partial incapacity or death shall

50 be presumed to have sustained such condition or impairment of health  
51 in the course of employment and shall be entitled to receive workers'  
52 compensation benefits pursuant to chapter 568 of the general statutes,  
53 unless the contrary is shown by competent evidence, provided:

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

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

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

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

73 (c) The employing agency shall maintain a record of any known or  
74 reasonably suspected exposure of an emergency rescue or public safety  
75 worker in its employ to the diseases described in this section and shall  
76 immediately notify the employee of such exposure. An emergency  
77 rescue or public safety worker shall file an incident or accident report  
78 with the worker's employer of each instance of known or suspected  
79 occupational exposure to hepatitis infection, meningococcal meningitis  
80 or tuberculosis.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2005</i>	New section
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**LAB**      *Joint Favorable Subst.*

**JUD**      *Joint Favorable*