



General Assembly

February Session, 2006

Raised Bill No. 5037

LCO No. 474

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Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE
FOR CERTAIN OCCUPATIONAL DISEASES 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, 2006*) (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, 2006</i>	New section

Statement of Purpose:

To establish a rebuttable presumption that emergency rescue or public safety personnel who contract hepatitis, meningococcal meningitis or tuberculosis from their employment are eligible for workers' compensation benefits as long as they meet certain requirements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]