



General Assembly

Raised Bill No. 27

February Session, 2006

* _____SB00027LABPS_022406_____*

AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR HYPERTENSION AND HEART DISEASE FOR FIREFIGHTERS.

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

1 Section 1. Section 7-433c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) Notwithstanding any provision of chapter 568 or any other
4 general statute, charter, special act or ordinance, [to the contrary,] in
5 the event a uniformed member of a paid municipal fire department or
6 a regular member of a paid municipal police department who (1)
7 began such employment prior to July 1, 1996, and (2) successfully
8 passed a physical examination on entry into such service, which
9 examination failed to reveal any evidence of hypertension or heart
10 disease, suffers either off duty or on duty any condition or impairment
11 of health caused by hypertension or heart disease resulting in [his
12 death or his] such member's death or temporary or permanent, total or
13 partial disability, [he or his] such member or such member's
14 dependents, as the case may be, shall receive from [his] such member's
15 municipal employer compensation and medical care in the same
16 amount and the same manner as that provided under chapter 568 if
17 such death or disability was caused by a personal injury which arose
18 out of and in the course of [his] such member's employment and was
19 suffered in the line of duty and within the scope of [his] such member's

20 employment, and from the municipal or state retirement system under
21 which [he] such member is covered, [he or his] such member or such
22 member's dependents, as the case may be, shall receive the same
23 retirement or survivor benefits which would be paid under said
24 system if such death or disability was caused by a personal injury
25 which arose out of and in the course of [his] such member's
26 employment, and was suffered in the line of duty and within the scope
27 of [his] such member's employment. If successful passage of such a
28 physical examination was, at the time of [his] employment, required as
29 a condition for such employment, no proof or record of such
30 examination shall be required as evidence in the maintenance of a
31 claim under this section or under such municipal or state retirement
32 systems. The benefits provided by this section shall be in lieu of any
33 other benefits which such [policeman or fireman or his] member or
34 such member's dependents may be entitled to receive from [his] such
35 member's municipal employer under the provisions of chapter 568 or
36 the municipal or state retirement system under which [he] such
37 member is covered, except as provided by this section, as a result of
38 any condition or impairment of health caused by hypertension or heart
39 disease resulting in [his death or his] such member's death or
40 temporary or permanent, total or partial disability. As used in this
41 section, the term "municipal employer" shall have the same meaning
42 and shall be defined as said term is defined in section 7-467.

43 [(b) Notwithstanding the provisions of subsection (a) of this section,
44 those persons who began employment on or after July 1, 1996, shall not
45 be eligible for any benefits pursuant to this section.]

46 (b) For the purpose of adjudication of claims for the payment of
47 benefits under the provisions of chapter 568 to a uniformed member of
48 a paid municipal fire department who began such employment on or
49 after July 1, 1996, any condition of impairment of health caused by
50 hypertension or heart disease occurring to such member while such
51 member is (1) responding to a fire or other emergency, and (2) on duty
52 for such member's municipal employer that results in death or

53 temporary or permanent total or partial disability shall be presumed to
54 have been suffered in the line of duty and within the scope of such
55 member's employment, provided such member had previously passed
56 a physical examination by a licensed physician appointed by such fire
57 department that failed to reveal any evidence of such condition.

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

Section 1	October 1, 2006	7-433c
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LAB *Joint Favorable C/R* PS