



General Assembly

**Substitute Bill No. 6956**

January Session, 2007

\*          HB06956APP          042007          \*

**AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE  
FOR FIREFIGHTERS AND POLICE OFFICERS.**

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

1 Section 1. (NEW) (*Effective October 1, 2007*) (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) "Police officer or firefighter" means a local or state police officer,  
13 a state or local firefighter or an active member of a volunteer fire  
14 company or fire department engaged in volunteer duties who, in the  
15 course of employment, runs a high risk of occupational exposure to  
16 hepatitis, meningococcal meningitis or tuberculosis.

17 (3) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A,  
18 hepatitis non-B, hepatitis C or any other strain of hepatitis generally

19 recognized by the medical community.

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

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

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

31 (C) Engages in the pursuit, apprehension or arrest of law violators  
32 or suspected law violators and, in performing such duties, may be  
33 exposed to body fluids.

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

37 (b) Any police officer or firefighter who suffers a condition or  
38 impairment of health that is caused by hepatitis, meningococcal  
39 meningitis or tuberculosis that requires medical treatment, and that  
40 results in total or partial incapacity or death shall be presumed to have  
41 sustained such condition or impairment of health in the course of  
42 employment and shall be entitled to receive workers' compensation  
43 benefits pursuant to chapter 568 of the general statutes, unless the  
44 contrary is shown by competent evidence, provided:

45 (1) The police officer or firefighter completed a physical  
46 examination, including a tuberculosis skin test, on entry into police or  
47 fire service that failed to reveal any evidence of such condition or  
48 impairment of health.

49 (2) The police officer or firefighter presents a written affidavit  
50 verifying by written declaration that, to the best of his or her  
51 knowledge and belief:

52 (A) In the case of meningococcal meningitis, in the ten days  
53 immediately preceding diagnosis, the police officer or firefighter was  
54 not exposed, outside the scope of employment, to any person known  
55 to have meningococcal meningitis or known to be an asymptomatic  
56 carrier of the disease.

57 (B) In the case of tuberculosis, in the period of time since the police  
58 officer's or firefighter's last negative tuberculosis skin test, he or she  
59 has not been exposed, outside the scope of employment, to any person  
60 known by the police officer or firefighter to have tuberculosis.

61 (c) Each employer shall maintain a record of any known or  
62 reasonably suspected exposure of any police officer or firefighter in its  
63 employ to the diseases described in this section and shall immediately  
64 notify the employee of such exposure. A police officer or firefighter  
65 shall file an incident or accident report with his or her employer of  
66 each instance of known or suspected occupational exposure to  
67 hepatitis infection, meningococcal meningitis or tuberculosis.

68 Sec. 2. Section 7-433c of the general statutes is repealed and the  
69 following is substituted in lieu thereof (*Effective October 1, 2007*):

70 (a) Notwithstanding any provision of chapter 568 or any other  
71 general statute, charter, special act or ordinance, [to the contrary,] in  
72 the event a uniformed member of a paid municipal fire department or  
73 a regular member of a paid municipal police department who (1)  
74 began such employment prior to July 1, 1996, and (2) successfully  
75 passed a physical examination on entry into such service, which  
76 examination failed to reveal any evidence of hypertension or heart  
77 disease, suffers either off duty or on duty any condition or impairment  
78 of health caused by hypertension or heart disease resulting in [his  
79 death or his] such member's death or temporary or permanent, total or  
80 partial disability, [he or his] such member or such member's

81 dependents, as the case may be, shall receive from [his] such member's  
82 municipal employer compensation and medical care in the same  
83 amount and the same manner as that provided under chapter 568 if  
84 such death or disability was caused by a personal injury which arose  
85 out of and in the course of [his] such member's employment and was  
86 suffered in the line of duty and within the scope of [his] such member's  
87 employment, and from the municipal or state retirement system under  
88 which [he] such member is covered, [he or his] such member or such  
89 member's dependents, as the case may be, shall receive the same  
90 retirement or survivor benefits which would be paid under said  
91 system if such death or disability was caused by a personal injury  
92 which arose out of and in the course of [his] such member's  
93 employment, and was suffered in the line of duty and within the scope  
94 of [his] such member's employment. If successful passage of such a  
95 physical examination was, at the time of [his] employment, required as  
96 a condition for such employment, no proof or record of such  
97 examination shall be required as evidence in the maintenance of a  
98 claim under this section or under such municipal or state retirement  
99 systems. The benefits provided by this section shall be in lieu of any  
100 other benefits which such [policeman or fireman or his] member or  
101 such member's dependents may be entitled to receive from [his] such  
102 member's municipal employer under the provisions of chapter 568 or  
103 the municipal or state retirement system under which [he] such  
104 member is covered, except as provided by this section, as a result of  
105 any condition or impairment of health caused by hypertension or heart  
106 disease resulting in [his death or his] such member's death or  
107 temporary or permanent, total or partial disability. As used in this  
108 section, the term "municipal employer" shall have the same meaning  
109 and shall be defined as said term is defined in section 7-467.

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

113 (b) (1) As used in this subsection, "on duty" means:

114 (A) For a uniformed member of a paid municipal fire department,  
115 (i) responding to, at the scene of or returning from alarms, (ii)  
116 responding to, at the scene of or returning from calls for mutual aid  
117 assistance, (iii) at drills or training, or (iv) performing fire inspections  
118 or investigations; and

119 (B) For a regular member of a paid municipal police department, (i)  
120 making an arrest, (ii) responding to a call for service from the public,  
121 (iii) responding to an emergency or code, or (iv) the actual  
122 performance of required job-related activities.

123 (2) For the purpose of adjudication of claims for the payment of  
124 benefits under the provisions of chapter 568 to a uniformed member of  
125 a paid municipal fire department or a regular member of a paid  
126 municipal police department who began such employment on or after  
127 July 1, 1996, any condition of impairment of health caused by  
128 hypertension or heart disease (A) occurring to such member while  
129 such member is on duty and acting within the scope of his  
130 employment for such member's municipal employer, and (B) that is a  
131 direct result of the special hazards inherent in the member's duties that  
132 results in death or temporary or permanent total or partial disability  
133 shall be presumed to have been suffered in the line of duty and within  
134 the scope of such member's employment, unless the contrary is shown  
135 by competent evidence. Such presumption shall be available only if the  
136 member completed a physical examination on entry into such  
137 employment that failed to reveal any evidence of hypertension or heart  
138 disease.

139 Sec. 3. (NEW) *(Effective October 1, 2007)* Notwithstanding any  
140 provision of the general statutes, any state or local firefighter, active  
141 member of a volunteer fire company or fire department engaged in  
142 volunteer duties who is diagnosed with multiple myeloma, non-  
143 Hodgkins lymphoma, prostate or testicular cancer resulting in total or  
144 partial disability or death to such firefighter shall be entitled to receive  
145 workers' compensation benefits pursuant to chapter 568 of the general  
146 statutes, provided the firefighter:

147 (1) Completed a physical examination on entry into such  
148 employment that failed to reveal any evidence of such cancer;

149 (2) Was employed as a firefighter for five or more years at the time  
150 the cancer is discovered;

151 (3) Establishes that he or she regularly responded to the scene of  
152 fires or fire investigations during some portion of his or her  
153 employment as a firefighter; and

154 (4) Provides documentation that, while responding to the scene of  
155 fires or fire investigations, the firefighter was exposed to a substance or  
156 substances scientifically determined to be causally-related to the type  
157 of cancer for which he or she is claiming compensation under this  
158 section.

159 Sec. 4. (NEW) (*Effective July 1, 2007*) (a) There is established an  
160 account to be known as the police and firefighters occupational  
161 exposure account. The account shall contain any moneys required or  
162 permitted by law to be deposited in the account and shall be a  
163 separate, nonlapsing account within the General Fund. Investment  
164 earnings credited to the account shall become part of the assets of the  
165 account.

166 (b) There shall be deposited in the police and firefighters  
167 occupational exposure account all participation fees collected pursuant  
168 to section 5 of this act, funds appropriated in section 7 of this act and  
169 such other funds as may be appropriated from time to time.

170 (c) Amounts in the police and firefighters occupational exposure  
171 account shall be available to fund the cost of reimbursement of  
172 employers and insurance carriers for benefits required to be paid  
173 under the provisions of sections 1 and 3 of this act and section 7-433c  
174 of the general statutes, as amended by this act.

175 Sec. 5. (NEW) (*Effective July 1, 2007*) The provisions of sections 1 and  
176 3, of this act and section 7-433c of the general statutes, as amended by

177 this act, shall apply to police and firefighters who elect coverage under  
 178 said provisions and pay a participation fee of ten dollars per month to  
 179 the Labor Commissioner, for deposit into the police and firefighters  
 180 occupational exposure account. Benefit claims by persons who do not  
 181 elect such coverage shall be determined in accordance with the  
 182 provisions of section 7-433c of the general statutes, revision of 1958,  
 183 revised to January 1, 2007.

184       Sec. 6. (NEW) (*Effective July 1, 2007*) (a) Except as provided in  
 185 subsection (b) of this section, the cost of payments of benefits required  
 186 to be paid under the provisions of sections 1 and 3 of this act and  
 187 section 7-433c of the general statutes, as amended by this act, shall be  
 188 paid by the employer or its insurance carrier, which shall be  
 189 reimbursed for such cost from the police and firefighters occupational  
 190 exposure account, as provided in section 4 of this act, upon  
 191 presentation of any vouchers and information that the Labor  
 192 Commissioner may require.

193       (b) On September 1, 2008, and annually thereafter, the Labor  
 194 Commissioner shall determine the amount of benefits required to be  
 195 paid under the provisions of sections 1 and 3 of this act and section 7-  
 196 433c of the general statutes, as amended by this act, during the  
 197 preceding fiscal year. If the amount paid exceeds the resources of the  
 198 account, the commissioner shall reimburse employers or insurance  
 199 carriers on a pro-rated basis.

200       Sec. 7. (*Effective July 1, 2007*) The sum of ten million dollars is  
 201 appropriated to the Labor Department, from the General Fund, for the  
 202 fiscal year ending June 30, 2008, for deposit in the account established  
 203 pursuant to section 4 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	7-433c
Sec. 3	<i>October 1, 2007</i>	New section

Sec. 4	<i>July 1, 2007</i>	New section
Sec. 5	<i>July 1, 2007</i>	New section
Sec. 6	<i>July 1, 2007</i>	New section
Sec. 7	<i>July 1, 2007</i>	New section

***Statement of Legislative Commissioners:***

Subsection (b) of section 6 was redrafted to clarify the date for determination of the benefit payment and the fiscal year for which the payment is applicable. In section 3, the phrase "unless the contrary is shown by a preponderance of the evidence," was deleted to conform to the previous deletion of language permitting a presumption that certain types of cancer had been sustained in the course of employment, absent proof to the contrary.

***APP***      *Joint Favorable Subst.*