



General Assembly

Substitute Bill No. 6956

January Session, 2007

* _____ HB06956PD _____ 051507 _____ *

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

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) "Emergency rescue worker" means a local emergency medical
13 technician, medical response technician, paramedic, ambulance driver,
14 or active member of an organization certified as a volunteer ambulance
15 service in accordance with section 19a-180 of the general statutes who,
16 in the course of employment, runs a high risk of occupational exposure
17 to hepatitis, meningococcal meningitis or tuberculosis.

18 (3) "Police officer or firefighter" means a local or state police officer,
19 a state or local firefighter or an active member of a volunteer fire
20 company or fire department engaged in volunteer duties who, in the
21 course of employment, runs a high risk of occupational exposure to
22 hepatitis, meningococcal meningitis or tuberculosis.

23 (4) "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 (5) "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 non-health-care
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; or

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.

40 (6) "Occupational exposure", in the case of hepatitis, meningococcal
41 meningitis or tuberculosis, means an exposure that occurs during the
42 performance of job duties that may place a worker at risk of infection.

43 (b) Any police officer, firefighter or emergency rescue worker who
44 suffers a condition or impairment of health that is caused by hepatitis,
45 meningococcal meningitis or tuberculosis that requires medical
46 treatment, and that results in total or partial incapacity or death shall
47 be presumed to have sustained such condition or impairment of health

48 in the course of employment and shall be entitled to receive workers'
49 compensation benefits pursuant to chapter 568 of the general statutes,
50 unless the contrary is shown by competent evidence, provided:

51 (1) The police officer, firefighter or emergency rescue worker
52 completed a physical examination, including a tuberculosis skin test,
53 on entry into police or fire service or emergency rescue service that
54 failed to reveal any evidence of such condition or impairment of
55 health.

56 (2) The police officer, firefighter or emergency rescue worker
57 presents a written affidavit verifying by written declaration that, to the
58 best of his or her knowledge and belief:

59 (A) In the case of meningococcal meningitis, in the ten days
60 immediately preceding diagnosis, the police officer, firefighter or
61 emergency rescue worker was not exposed, outside the scope of
62 employment, to any person known to have meningococcal meningitis
63 or known to be an asymptomatic carrier of the disease.

64 (B) In the case of tuberculosis, in the period of time since the police
65 officer's, firefighter's or emergency rescue worker's last negative
66 tuberculosis skin test, he or she has not been exposed, outside the
67 scope of employment, to any person known by the police officer,
68 firefighter or emergency rescue worker to have tuberculosis.

69 (c) Each employer shall maintain a record of any known or
70 reasonably suspected exposure of any police officer, firefighter or
71 emergency rescue worker in its employ to the diseases described in
72 this section and shall immediately notify the employee of such
73 exposure. A police officer, firefighter or emergency rescue worker shall
74 file an incident or accident report with his or her employer of each
75 instance of known or suspected occupational exposure to hepatitis
76 infection, meningococcal meningitis or tuberculosis.

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

79 (a) Notwithstanding any provision of chapter 568 or any other
80 general statute, charter, special act or ordinance, [to the contrary,] in
81 the event a uniformed member of a paid municipal fire department or
82 a regular member of a paid municipal police department who (1)
83 began such employment prior to July 1, 1996, and (2) successfully
84 passed a physical examination on entry into such service, which
85 examination failed to reveal any evidence of hypertension or heart
86 disease, suffers either off duty or on duty any condition or impairment
87 of health caused by hypertension or heart disease resulting in [his
88 death or his] such member's death or temporary or permanent, total or
89 partial disability, [he or his] such member or such member's
90 dependents, as the case may be, shall receive from [his] such member's
91 municipal employer compensation and medical care in the same
92 amount and the same manner as that provided under chapter 568 if
93 such death or disability was caused by a personal injury which arose
94 out of and in the course of [his] such member's employment and was
95 suffered in the line of duty and within the scope of [his] such member's
96 employment, and from the municipal or state retirement system under
97 which [he] such member is covered, [he or his] such member or such
98 member's dependents, as the case may be, shall receive the same
99 retirement or survivor benefits which would be paid under said
100 system if such death or disability was caused by a personal injury
101 which arose out of and in the course of [his] such member's
102 employment, and was suffered in the line of duty and within the scope
103 of [his] such member's employment. If successful passage of such a
104 physical examination was, at the time of [his] employment, required as
105 a condition for such employment, no proof or record of such
106 examination shall be required as evidence in the maintenance of a
107 claim under this section or under such municipal or state retirement
108 systems. The benefits provided by this section shall be in lieu of any
109 other benefits which such [policeman or fireman or his] member or
110 such member's dependents may be entitled to receive from [his] such
111 member's municipal employer under the provisions of chapter 568 or
112 the municipal or state retirement system under which [he] such
113 member is covered, except as provided by this section, as a result of

114 any condition or impairment of health caused by hypertension or heart
115 disease resulting in [his death or his] such member's death or
116 temporary or permanent, total or partial disability. As used in this
117 section, the term "municipal employer" shall have the same meaning
118 and shall be defined as said term is defined in section 7-467.

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

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

123 (A) For a uniformed member of a paid municipal fire department,
124 (i) responding to, at the scene of or returning from alarms, (ii)
125 responding to, at the scene of or returning from calls for mutual aid
126 assistance, or (iii) at drills or training; and

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

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

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

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

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

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

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

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

172 (b) Amounts in the police and firefighters occupational exposure
173 account shall be available to fund the cost of reimbursement of
174 employers and insurance carriers for benefits required to be paid
175 under the provisions of sections 1 and 3 of this act and section 7-433c

176 of the general statutes, as amended by this act.

177 Sec. 5. (NEW) (*Effective July 1, 2007*) (a) Except as provided in
 178 subsection (b) of this section, the cost of payments of benefits required
 179 to be paid under the provisions of sections 1 and 3 of this act and
 180 section 7-433c of the general statutes, as amended by this act, shall be
 181 paid by the employer or its insurance carrier, which shall be
 182 reimbursed for such cost from the police and firefighters occupational
 183 exposure account, as provided in section 4 of this act, upon
 184 presentation of any vouchers and information that the Labor
 185 Commissioner may require.

186 (b) On September 1, 2008, and annually thereafter, the Labor
 187 Commissioner shall determine the amount of benefits required to be
 188 paid under the provisions of sections 1 and 3 of this act and section 7-
 189 433c of the general statutes, as amended by this act, during the
 190 preceding fiscal year. If the amount paid exceeds the resources of the
 191 account, the commissioner shall reimburse employers or insurance
 192 carriers on a pro-rated basis.

193 Sec. 6. (*Effective July 1, 2007*) The sum of fifty million dollars is
 194 appropriated to the Labor Department, from the General Fund, for the
 195 fiscal year ending June 30, 2008, for deposit in the account established
 196 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

PD *Joint Favorable Subst.*