



General Assembly

**Amendment**

January Session, 2007

LCO No. 7950

\*HB0695607950HDO\*

Offered by:  
REP. RYAN, 139<sup>th</sup> Dist.

To: Subst. House Bill No. 6956      File No. 865      Cal. No. 96

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

1      Strike everything after the enacting clause and substitute the  
2      following in lieu thereof:

3      "Section 1. (NEW) (*Effective October 1, 2007*) (a) As used in this  
4      section:

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

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

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

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

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

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

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

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

39 (b) Any police officer or firefighter who suffers a condition or  
40 impairment of health that is caused by hepatitis, meningococcal  
41 meningitis or tuberculosis that requires medical treatment, and that  
42 results in total or partial incapacity or death shall be presumed to have  
43 sustained such condition or impairment of health in the course of

44 employment and shall be entitled to receive workers' compensation  
45 benefits pursuant to chapter 568 of the general statutes, unless the  
46 contrary is shown by competent evidence, provided:

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

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

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

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

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

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

72 (a) Notwithstanding any provision of chapter 568 or any other  
73 general statute, charter, special act or ordinance, [to the contrary,] in

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

109 temporary or permanent, total or partial disability. As used in this  
110 section, the term "municipal employer" shall have the same meaning  
111 and shall be defined as said term is defined in section 7-467.

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

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

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

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

125 (2) For the purpose of adjudication of claims for the payment of  
126 benefits under the provisions of chapter 568 to a uniformed member of  
127 a paid municipal fire department or a regular member of a paid  
128 municipal police department who began such employment on or after  
129 July 1, 1996, any condition of impairment of health caused by  
130 hypertension or heart disease occurring to such member while such  
131 member is on duty and acting within the scope of his employment for  
132 such member's municipal employer that results in death or temporary  
133 or permanent total or partial disability shall be presumed to have been  
134 suffered in the line of duty and within the scope of such member's  
135 employment, unless the contrary is shown by competent evidence.  
136 Such presumption shall be available only if the member completed a  
137 physical examination on entry into such employment that failed to  
138 reveal any evidence of hypertension or heart 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 or testicular cancer resulting in total or partial  
 144 disability or death to such firefighter shall be presumed to have  
 145 sustained such cancer in the course of employment, unless the contrary  
 146 is shown by a preponderance of the evidence, and shall be entitled to  
 147 receive workers' compensation benefits pursuant to chapter 568 of the  
 148 general statutes, provided the firefighter:

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

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

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

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

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