



General Assembly

February Session, 2008

**Raised Bill No. 5629**

LCO No. 2149

\*02149\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

**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, 2008*) (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 2008 supplement to  
16 the general statutes who, in the course of employment, runs a high risk  
17 of occupational exposure to hepatitis, meningococcal meningitis or  
18 tuberculosis.

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

24 (4) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A,  
25 hepatitis non-B, hepatitis C or any other strain of hepatitis generally  
26 recognized by the medical community.

27 (5) "High risk of occupational exposure" means the risk incurred as  
28 a result of the basic duties of employment, where the employee:

29 (A) Provides emergency medical treatment in a nonhealth-care  
30 setting where there is a potential for transfer of body fluids between  
31 persons;

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

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

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

42 (b) Any police officer, firefighter or emergency rescue worker who  
43 suffers a condition or impairment of health that is caused by hepatitis,

44 meningococcal meningitis or tuberculosis that requires medical  
45 treatment and that results in total or partial incapacity or death, shall  
46 be presumed to have sustained such condition or impairment of health  
47 in the course of employment and shall be entitled to receive workers'  
48 compensation benefits pursuant to chapter 568 of the general statutes,  
49 unless the contrary is shown by competent evidence, provided:

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

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

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

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

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

75 Sec. 2. Section 7-433c of the general statutes is repealed and the  
76 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

109 member's municipal employer under the provisions of chapter 568 or  
110 the municipal or state retirement system under which [he] such  
111 member is covered, except as provided by this section, as a result of  
112 any condition or impairment of health caused by hypertension or heart  
113 disease resulting in [his death or his] such member's death or  
114 temporary or permanent, total or partial disability. As used in this  
115 section, the term "municipal employer" shall have the same meaning  
116 and shall be defined as said term is defined in section 7-467.

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

120 (b) For the purpose of adjudication of claims for the payment of  
121 benefits under the provisions of chapter 568 to a uniformed member of  
122 a paid municipal fire department or a regular member of a paid  
123 municipal police department who began such employment on or after  
124 July 1, 1996, any condition of impairment of health caused by  
125 hypertension or heart disease occurring to such member while such  
126 member is on duty and acting within the scope of such member's  
127 employment for such member's municipal employer that results in  
128 death or temporary or permanent total or partial disability shall be  
129 presumed to have been suffered in the line of duty and within the  
130 scope of such member's employment, unless the contrary is shown by  
131 competent evidence, provided such member completed a physical  
132 examination on entry into such employment that failed to reveal any  
133 evidence of hypertension or heart disease.

134 Sec. 3. (NEW) (*Effective October 1, 2008*) Notwithstanding any  
135 provision of the general statutes, any state or local firefighter, active  
136 member of a volunteer fire company or fire department engaged in  
137 volunteer duties who is diagnosed with multiple myeloma, non-  
138 Hodgkin's lymphoma, prostate or testicular cancer resulting in total or  
139 partial disability or death shall be presumed to have sustained such  
140 cancer in the course of employment and shall be entitled to receive

141 workers' compensation benefits pursuant to chapter 568 of the general  
142 statutes, unless the contrary is shown by a preponderance of the  
143 evidence, provided the firefighter:

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

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

148 (3) Established that he or she regularly responded to the scene of  
149 fires or fire investigations during some portion of his or her  
150 employment as a firefighter; and

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

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|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                        |             |
| Section 1   | <i>October 1, 2008</i> | New section |
| Sec. 2  | <i>October 1, 2008</i> | 7-433c      |
| Sec. 3  | <i>October 1, 2008</i> | New section |

**Statement of Purpose:**

To establish a rebuttable presumption that a firefighter, police officer or emergency rescue worker who contracts hepatitis, meningococcal meningitis, tuberculosis or certain other diseases is eligible for workers' compensation provided he or she meets 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.]*