



General Assembly

January Session, 2009

Substitute Bill No. 6194

* HB06194LAB 030509 *

**AN ACT CONCERNING ADDITIONAL WORKERS' COMPENSATION
PRESUMPTIONS 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. Section 31-294i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) As used in this section:

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

13 (2) "Constable" means any municipal law enforcement officer who is
14 authorized to make arrests and has completed Police Officer Standards
15 and Training Council certification pursuant to section 7-294a.

16 (3) "Emergency rescue worker" means a local emergency medical
17 technician, medical response technician, paramedic, ambulance driver,
18 or active member of an organization certified as a volunteer ambulance

19 service in accordance with section 19a-180 who, in the course of
20 employment, runs a high risk of occupational exposure to hepatitis,
21 meningococcal meningitis or tuberculosis.

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

27 (5) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A,
28 hepatitis non-B, hepatitis C or any other strain of hepatitis generally
29 recognized by the medical community.

30 (6) "High risk of occupational exposure" means the risk incurred as
31 a result of the basic duties of employment, where the employee:

32 (A) Provides emergency medical treatment, other than in a health
33 care setting, where there is a potential for transfer of body fluids
34 between persons;

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

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

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

45 (b) Each employer shall maintain a record of any known or
46 reasonably suspected exposure of any police officer, firefighter or
47 emergency rescue worker in its employ to hepatitis, meningococcal
48 meningitis or tuberculosis and shall immediately notify the employee

49 of such exposure. A police officer, firefighter or emergency rescue
50 worker shall file an incident or accident report with his or her
51 employer of each instance of known or suspected occupational
52 exposure to hepatitis, meningococcal meningitis or tuberculosis. Any
53 police officer, firefighter or emergency rescue worker who suffers a
54 condition or impairment of health that is caused by hepatitis,
55 meningococcal meningitis or tuberculosis that requires medical
56 treatment and that results in total or partial incapacity or death, shall
57 be presumed to have sustained such condition or impairment of health
58 in the course of employment and shall be entitled to receive workers'
59 compensation benefits pursuant to chapter 568, unless the contrary is
60 shown by competent evidence, provided:

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

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

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

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

78 (c) For the purpose of adjudication of claims for payment of benefits
79 under the provisions of this chapter to a uniformed member of a paid
80 municipal fire department or a regular member of a paid municipal

81 police department or constable who began such employment on or
82 after July 1, 1996, any condition or impairment of health caused by a
83 cardiac emergency occurring to such member on or after July 1, 2009,
84 while such member is in training for or engaged in fire duty at the site
85 of an accident or fire, or other public safety operation within the scope
86 of such member's employment for such member's municipal employer
87 that results in death or temporary or permanent total or partial
88 disability, shall be presumed to have been suffered in the line of duty
89 and within the scope of such member's employment, unless the
90 contrary is shown by a preponderance of the evidence, provided such
91 member successfully passed a physical examination on entry into
92 service conducted by a licensed physician designated by such
93 department which examination failed to reveal any evidence of such
94 condition. For the purposes of this [section] subsection, "cardiac
95 emergency" means cardiac arrest or myocardial infarction. [, and
96 "constable" means any municipal law enforcement officer who is
97 authorized to make arrests and has completed Police Officer Standards
98 and Training Council certification pursuant to section 7-294a.]

99 (d) Notwithstanding any provision of the general statutes, any state,
100 municipal or local firefighter, or active member of a volunteer fire
101 company or fire department engaged in volunteer duties who is
102 diagnosed with multiple myeloma, non-Hodgkin's lymphoma,
103 prostate or testicular cancer resulting in total or partial disability or
104 death shall be presumed to have sustained such cancer in the course of
105 employment and shall be entitled to receive workers' compensation
106 benefits pursuant to chapter 568, unless the contrary is shown by a
107 preponderance of the evidence, provided the firefighter:

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

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

112 (3) Established that he or she regularly responded to the scene of

113 fires or fire investigations during some portion of his or her
114 employment as a firefighter; and

115 (4) Provides documentation that, while responding to the scene of
116 fires or fire investigations, the firefighter was exposed to a substance or
117 substances scientifically determined to be causally related to the type
118 of cancer for which he or she is claiming compensation under this
119 section.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2009 | 31-294i |

Statement of Legislative Commissioners:

In section 1(b), "police officer or firefighter" was changed to "police officer, firefighter or emergency rescue worker" for consistency.

LAB *Joint Favorable Subst.-LCO*