



General Assembly

Substitute Bill No. 6194

January Session, 2009

* _____ HB06194PS _____ 033109 _____ *

**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 Section 31-294i of the general statutes is repealed and the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 who has obtained Police Officer
15 Standards and Training Council certification pursuant to section 7-
16 294a.

17 (3) "Emergency rescue worker" means a local emergency medical

18 technician, medical response technician, paramedic, ambulance driver,
19 or active member of an organization certified as a volunteer ambulance
20 service in accordance with section 19a-180 who, in the course of
21 employment, runs a high risk of occupational exposure to hepatitis,
22 meningococcal meningitis or tuberculosis.

23 (4) "Police officer" means a local or state police officer or a constable
24 who, in the course of employment, runs a high risk of occupational
25 exposure to hepatitis, meningococcal meningitis or tuberculosis.

26 (5) "Firefighter" means a state or local firefighter or an active
27 member of a volunteer fire company or volunteer fire department
28 who, in the course of employment or volunteer duties, runs a high risk
29 of occupational exposure to hepatitis, meningococcal meningitis or
30 tuberculosis.

31 (6) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A,
32 hepatitis non-B, hepatitis C or any other strain of hepatitis generally
33 recognized by the medical community.

34 (7) "High risk of occupational exposure" means the risk incurred as
35 a result of the basic duties of employment, where the employee:

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

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

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

46 (8) "Occupational exposure", in the case of hepatitis, meningococcal

47 meningitis or tuberculosis, means an exposure that occurs during the
48 performance of job duties that may place a worker at risk of infection.

49 (b) For the purposes of this subsection, "employer" includes, but is
50 not limited to, a volunteer fire company or volunteer fire department.
51 Each employer shall maintain a record of any known or reasonably
52 suspected exposure of any police officer, firefighter or emergency
53 rescue worker in its employ to hepatitis, meningococcal meningitis or
54 tuberculosis and shall immediately notify the employee of such
55 exposure. A police officer, firefighter or emergency rescue worker shall
56 file an incident or accident report with his or her employer of each
57 instance of known or suspected occupational exposure to hepatitis,
58 meningococcal meningitis or tuberculosis. Any police officer,
59 firefighter or emergency rescue worker who suffers a condition or
60 impairment of health that is caused by hepatitis, meningococcal
61 meningitis or tuberculosis that requires medical treatment and that
62 results in total or partial incapacity or death, shall be presumed to have
63 sustained such condition or impairment of health in the course of
64 employment and shall be entitled to receive workers' compensation
65 benefits pursuant to chapter 568, unless the contrary is shown by
66 competent evidence, provided:

67 (1) The police officer, firefighter or emergency rescue worker
68 completed a physical examination, including a tuberculosis skin test,
69 upon entry into police, fire or emergency rescue service that failed to
70 reveal any evidence of such condition or impairment of health; and

71 (2) The police officer, firefighter or emergency rescue worker
72 presents a written, sworn and signed affidavit certifying that, to the
73 best of his or her knowledge and belief:

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

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

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

105 (d) Notwithstanding any provision of the general statutes, any state,
106 municipal or local firefighter, or active member of a volunteer fire
107 company or fire department engaged in volunteer duties who is
108 diagnosed with multiple myeloma, non-Hodgkin's lymphoma,
109 prostate or testicular cancer resulting in total or partial disability or
110 death shall be presumed to have sustained such cancer in the course of
111 employment or such volunteer duties and shall be entitled to receive

112 workers' compensation benefits pursuant to chapter 568, unless the
113 contrary is shown by a preponderance of the evidence, provided the
114 firefighter:

115 (1) Completed a physical examination upon entry into such
116 employment that failed to reveal any evidence of such cancer;

117 (2) Was employed or engaged in volunteer duties as a firefighter for
118 five or more years at the time the cancer is discovered;

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

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

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

PS *Joint Favorable Subst.*