

[First Reprint]

ASSEMBLY, No. 5909

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JANUARY 2, 2024

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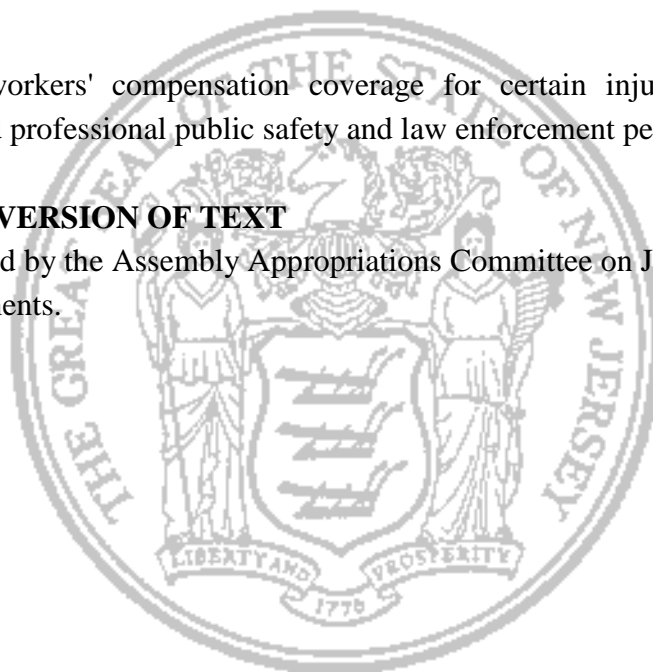
Assemblywoman Murphy

SYNOPSIS

Revises workers' compensation coverage for certain injuries to certain volunteer and professional public safety and law enforcement personnel.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on January 4, 2024, with amendments.



(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning workers' compensation coverage and amending
2 P.L.1987, c.382.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.1987, c.382 (C.34:15-7.3) is amended to
8 read as follows:

9 1. a. For any cardiovascular or cerebrovascular injury or death
10 which occurs to an individual covered by subsection b. of this
11 section while that individual is engaged in a response to an
12 emergency, there shall be a rebuttable presumption that the
13 response to the emergency included a work effort sufficient to cause
14 injury or death [is] and thus compensable under R.S. 34:15-1 et
15 seq., if that injury or death occurs while the individual is responding
16 [, under orders from competent authority,] to or, in the case of
17 paid, part-paid, or volunteer firefighters, ¹members of a volunteer
18 first aid or rescue squad,¹ or career emergency medical technicians
19 or paramedics, remediating from a law enforcement, public safety
20 or medical emergency as defined in subsection c. of this section.

21 b. This section shall apply to:

22 (1) Any permanent or temporary member of a paid or part-paid
23 fire or police department and force;

24 (2) Any member of a volunteer fire company;

25 (3) Any member of a volunteer first aid or rescue squad; **[and]**

26 (4) Any special, reserve, or auxiliary policeman doing volunteer
27 duty; and

28 (5) Any career emergency medical technician or paramedic,
29 employed by the State, a county, a municipality, or a private sector
30 counterpart, who is engaged in public emergency medical and
31 rescue services.

32 c. As used in this section **[.]** :

33 "**[law]** Law enforcement, public safety or medical emergency"
34 means any combination of circumstances requiring immediate
35 action to prevent the loss of human life, the destruction of property,
36 or the violation of the criminal laws of this State or its political
37 subdivisions, and includes, but is not limited to, the suppression of
38 a fire, a firemanic drill, the apprehension of a criminal, or medical
39 and rescue service.

40 "Remediating from" means leaving an emergency in a reasonable
41 period of time, not to exceed 24 hours from the end of the
42 emergency, to carry out post-incident agency protocols and
43 decompression including measures such as critical incident stress
44 debriefings.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted January 4, 2024.

- 1 d. The presumption of compensability pursuant to subsection a.
2 of this section shall be rebuttable by use of causal factors such as
3 horseplay, skylarking, self-infliction, voluntary intoxication, and
4 illicit drug use. Rebuttal of the presumption based upon medical
5 causation shall require clear and convincing medical evidence that
6 the work experience was not a substantial cause of the
7 cardiovascular or cerebrovascular injury.
8 (cf: P.L.1987, c.382, s.1)
9
- 10 2. This act shall take effect immediately, and shall apply to all
11 applicable injuries and deaths pending on the date of enactment.