

[First Reprint]

ASSEMBLY, No. 161

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

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District 24 (Morris, Sussex and Warren)

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Assemblywoman Dunn, Assemblyman Rooney, Assemblywoman Sawyer,

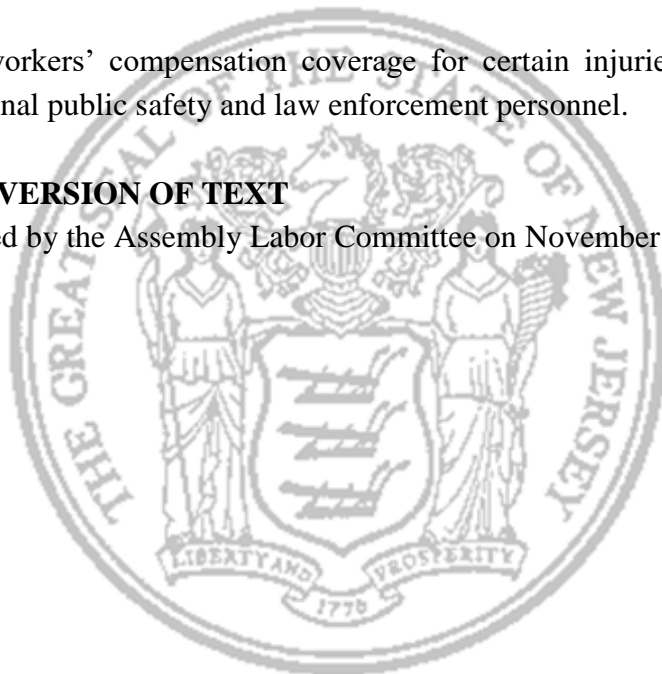
Assemblymen Catalano and Moriarty

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee on November 30, 2023, with amendments.



(Sponsorship Updated As Of: 11/30/2023)

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 ¹response to the emergency included a work effort sufficient to
14 cause¹ injury or death ¹[is fully] and thus¹ compensable under R.S.
15 34:15-1 et seq., if that injury or death occurs while the individual is
16 responding [, under orders from competent authority,] to or
17 remediating from a law enforcement, public safety or medical
18 emergency as defined in subsection c. of this section.

19 b. This section shall apply to:

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

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

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

24 (4) Any special, reserve, or auxiliary policeman doing volunteer
25 duty; ¹**[and]**¹

26 (5) Any recognized emergency management member doing
27 volunteer duty¹;

28 (6) 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; and

32 (7) Any individual working as a 9-1-1 dispatcher¹.

33 c. As used in this section **[,]** :

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

41 "Remediating from" means leaving an emergency in a reasonable
42 period of time, not to exceed 24 hours from the end of the
43 emergency, to carry out post-incident agency protocols and
44 decompression including measures such as critical incident stress
45 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 ALA committee amendments adopted November 30, 2023.

1 d. The presumption of compensability pursuant to subsection a.
2 of this section shall be rebuttable by use of casual factors such as
3 horseplay, skylarking, self-infliction, voluntary intoxication, and
4 illicit drug use¹. 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 injury¹.

8 ¹[e. Any cardiovascular or cerebrovascular injury or death-
9 related incident resulting in a dispute as to compensability shall be
10 decided coincidentally with the United States Department of
11 Justice, Public Safety Officers' Benefits Program findings.]¹

12 (cf: P.L.1987, c.382, s.1)

13

14 2. This act shall take effect immediately, and shall apply to all
15 applicable injuries and deaths pending on the date of enactment.