

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 161**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 30, 2023

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 161.

As amended, this bill revises the law governing workers' compensation coverage for certain injuries to volunteer and professional public safety and law enforcement personnel.

Under current law, there is a rebuttable presumption that any cardiovascular or cerebrovascular injury or death which occurs to individuals who are volunteer and professional public safety and law enforcement personnel while those individuals are engaged in a response to an emergency is compensable if that injury or death occurs while the individual is responding, under orders from competent authority, to an emergency. As amended, the bill clarifies that the rebuttable presumption means that a response to an emergency was a work effort sufficient to cause injury or death and is therefore compensable under the workers' compensation law.

As amended, this bill expands the individuals that are covered by the presumption to include any recognized emergency management member doing volunteer duty, any career emergency medical technicians and paramedics employed by the State, a county, a municipality, or a private sector counterpart who is engaged in public emergency medical and rescue services, and any individual working as a 9-1-1 dispatcher. It also removes the requirement that the individual must be responding to orders under competent authority in order to recover, and provides that individuals are covered by the presumption when remediating from an emergency.

As amended, the bill provides that a rebuttal of the presumption of compensability requires clear and convincing medical evidence that the work experience was not a substantial cause of the cardiovascular or cerebrovascular injury.

The bill provides that the presumption of compensability is rebuttable by use of casual factors such as horseplay, skylarking, self-infliction, voluntary intoxication, and illicit drug use.

This bill was prefiled for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) make the following emergency service providers eligible for the rebuttable presumption provided in the bill:

(a) any career emergency medical technicians and paramedics employed by the State, a county, a municipality, or a private sector counterpart who is engaged in public emergency medical and rescue services; and

(b) any individual working as a 9-1-1 dispatcher;

(2) clarify that the rebuttable presumption means that a response to an emergency was a work effort sufficient to cause injury or death and is therefore compensable under the workers' compensation law;

(3) provide that a rebuttal of the presumption of compensability requires clear and convincing medical evidence that the work experience was not a substantial cause of the cardiovascular or cerebrovascular injury; and

(4) eliminate the provision in subsection e. of the bill that provides that any cardiovascular or cerebrovascular injury or death-related incident resulting in a dispute as to compensability will be decided coincidentally with the United States Department of Justice, Public Safety Officers' Benefits Program findings.