

**ASSEMBLY, No. 4469**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED SEPTEMBER 15, 2022

**Sponsored by:**

**Assemblyman JAMES J. KENNEDY**

**District 22 (Middlesex, Somerset and Union)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblywoman LINDA S. CARTER**

**District 22 (Middlesex, Somerset and Union)**

**Co-Sponsored by:**

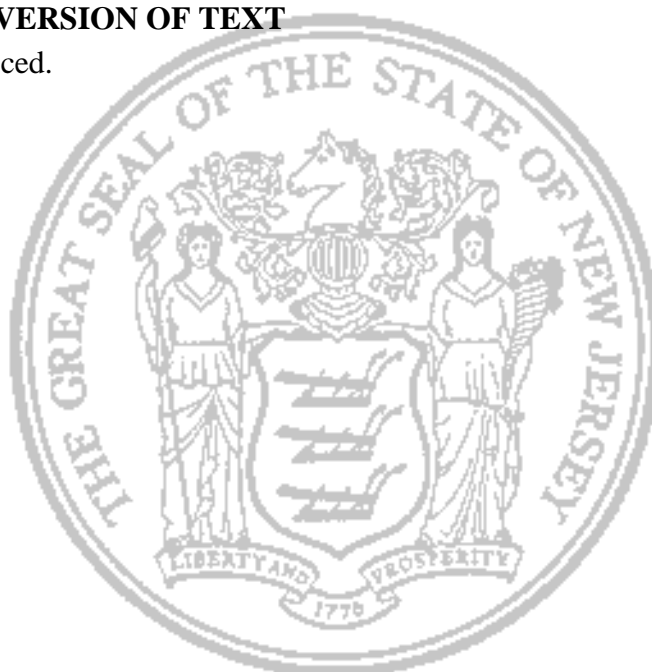
**Assemblywoman McKnight**

**SYNOPSIS**

Provides workers' compensation benefits for certain public safety workers who developed illness or injury as result of responding to September 11, 2001 terrorist attacks.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/15/2022)**

1 AN ACT concerning workers' compensation benefits for certain  
2 public safety workers and amending P.L.2019, c.156.

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

6  
7 1. Section 6 of P.L.2019, c.156 (C.34:15-31.7) is amended to  
8 read as follows:

9 6. a. Any injury, illness or death of a public safety worker  
10 which may be caused by exposure to a known carcinogen, cancer-  
11 causing radiation or a radioactive substance, including cancer and  
12 damage to reproductive organs, shall be presumed to be  
13 compensable under the provisions of R.S.34:15-1 et seq., if the  
14 worker demonstrates that he was exposed, due to fire, explosion,  
15 spill or other means, to a known carcinogen, cancer-causing  
16 radiation or radioactive substances in the course of the worker's  
17 employment as a public safety worker and demonstrates that the  
18 injury, illness or death has manifested during his or her employment  
19 as a public safety worker. This prima facie presumption may be  
20 rebutted by a preponderance of the evidence that the exposure is not  
21 linked to the injury, illness or death. The employer of the public  
22 safety worker may require the worker to undergo, at the expense of  
23 the employer, reasonable testing, evaluation and monitoring of  
24 health conditions of the worker which is relevant to determining  
25 whether the exposure is linked to the occurrence, but the  
26 presumption of compensability shall not be adversely affected by  
27 any failure of the employer to require such testing, evaluation or  
28 monitoring. The employer shall maintain records regarding any  
29 instance in which any public safety worker in its employ was  
30 deployed to a facility or location where the presence of one or more  
31 substances which are known carcinogens is indicated in documents  
32 provided to local fire or police departments pursuant to the  
33 requirements of section 7 of P.L.1983, c.315 (C.34:5A-7) and where  
34 fire, explosions, spills or other events occurred which could result  
35 in exposure to those carcinogens. The records shall include the  
36 identity of each deployed public safety worker and each worker  
37 shall be provided notice of the records.

38 b. (1) Notwithstanding any requirement under any other  
39 provision of law limiting the time in which a worker may file a  
40 claim for workers compensation, any illness, injury or death of a  
41 public service worker caused by, or as a result of, the worker's  
42 participation in response to the September 11, 2001 attack on the  
43 World Trade Center shall be presumed to be compensable under the  
44 provisions of R.S.34:15-1 et seq., without respect to when the claim  
45 is filed, if the worker has participated in the World Trade Center

**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.

1 Program established by Centers for Disease Control. A worker  
2 shall be ineligible for benefits under this subsection if the benefits  
3 for workers' compensation are duplicative to benefits for the same  
4 injury, illness, or death under another State program or a program  
5 for which the worker is eligible in another state, or the worker has  
6 already received workers' compensation benefits for the injury,  
7 illness or death caused by or as a result of the worker's participation  
8 in response to the September 11, 2001 attacks under chapter 15 of  
9 Title 34 of the Revised Statutes.

10 (2) A public safety worker shall file a claim for benefits, in a  
11 form and manner prescribed by the Commissioner of Labor of  
12 Workforce Development, which shall include documentation of the  
13 worker's illness and treatment from the World Trade Center Health  
14 Program, with the Division of Workers' Compensation in the  
15 Department of Labor and Workforce Development within two years  
16 of the effective date of P.L. , c. (pending before the Legislature  
17 as this bill).

18 (3) The department shall provide notice on its internet website,  
19 and to all employers in the State in a form to be provided to  
20 employees, of the presumption established pursuant to this  
21 subsection.

22 (cf: P.L.2019, c.156, s.6)

23  
24 2. This act shall take effect on the first day of the third month  
25 next following enactment, except that the commissioner shall take  
26 any anticipatory administrative action in advance as shall be  
27 necessary for the implementation of this act.

## 30 STATEMENT

31  
32 This bill creates a presumption that any injury, illness, or death  
33 from any World Trade Center-related health conditions that are  
34 certified by the Centers for Disease Control is compensable under  
35 workers' compensation law for public safety workers who  
36 participated in the response to the September 11, 2001 attacks and  
37 who are being treated or monitored through the World Trade Center  
38 Health Program established by the Centers for Disease Control.

39 While certain workers may already be covered under other  
40 eligibility criteria for workers' compensation benefits, there remains  
41 workers who acted heroically on September 11th, who have become  
42 ill or injured, but who remain ineligible for workers' compensation  
43 benefits. Although this bill eliminates any statutes of limitations  
44 issues for workers who have not yet filed for their conditions, the  
45 bill limits treatment to those individuals who are participating in the  
46 World Trade Center Health Program. This program was established  
47 by the Centers for Disease Control, and one of the centers of  
48 operations is Rutgers University. There is no question that the

1 individuals receiving treatment and monitoring in the program  
2 participated in the response to September 11th attacks, and this bill  
3 provides benefits for these heroes who have endured serious health  
4 consequences as a result of that participation.