ASSEMBLY, No. 5909

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JANUARY 2, 2024

Sponsored by:
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)
Assemblyman HAROLD "HAL" J. WIRTHS
District 24 (Morris, Sussex and Warren)
Assemblyman PARKER SPACE
District 24 (Morris, Sussex and Warren)
Senator PAUL A. SARLO
District 36 (Bergen and Passaic)
Senator STEVEN V. OROHO
District 24 (Morris, Sussex and Warren)

Co-Sponsored by:
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)
AN ACT concerning workers’ compensation coverage and amending
P.L.1987, c.382.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. Section 1 of P.L.1987, c.382 (C.34:15-7.3) is amended to
read as follows:
1. a. For any cardiovascular or cerebrovascular injury or death
which occurs to an individual covered by subsection b. of this
section while that individual is engaged in a response to an
emergency, there shall be a rebuttable presumption that the
response to the emergency included a work effort sufficient to cause
injury or death [is] and thus compensable under R.S. 34:15-1 et
seq., if that injury or death occurs while the individual is responding
[under orders from competent authority.] to or, in the case of
paid, part-paid, or volunteer firefighters, [members of a volunteer
first aid or rescue squad,] or career emergency medical technicians
or paramedics, remediating from a law enforcement, public safety
or medical emergency as defined in subsection c. of this section.

b. This section shall apply to:
(1) Any permanent or temporary member of a paid or part-paid
fire or police department and force;
(2) Any member of a volunteer fire company;
(3) Any member of a volunteer first aid or rescue squad; [and]
(4) Any special, reserve, or auxiliary policeman doing volunteer
duty; and
(5) Any career emergency medical technician or paramedic,
employed by the State, a county, a municipality, or a private sector
counterpart, who is engaged in public emergency medical and
rescue services.

c. As used in this section[,]
“Law” means any combination of circumstances requiring immediate
action to prevent the loss of human life, the destruction of property,
or the violation of the criminal laws of this State or its political
subdivisions, and includes, but is not limited to, the suppression of
a fire, a firemanic drill, the apprehension of a criminal, or medical
and rescue service.
“Remediating from” means leaving an emergency in a reasonable
period of time, not to exceed 24 hours from the end of the
emergency, to carry out post-incident agency protocols and
decompression including measures such as critical incident stress
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.
d. The presumption of compensability pursuant to subsection a. of this section shall be rebuttable by use of causal factors such as horseplay, skylarking, self-infliction, voluntary intoxication, and illicit drug use. Rebuttal of the presumption based upon medical causation shall require clear and convincing medical evidence that the work experience was not a substantial cause of the cardiovascular or cerebrovascular injury. (cf: P.L.1987, c.382, s.1)

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