

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5909

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 4, 2024

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 5909.

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. 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.

This bill expands the individuals that are covered by the presumption to include 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. It also removes the requirement that the individual must be responding to orders under competent authority in order to recover, and provides that certain individuals are covered by the presumption when remediating from an emergency.

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 causal factors such as horseplay, skylarking, self-infliction, voluntary intoxication, and illicit drug use.

COMMITTEE AMENDMENTS:

The committee amended the bill to add members of a volunteer first aid or rescue squad to the list of individuals that are covered by

the presumption of compensability when injury or death occurs while remediating from an emergency.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that the bill will result in annual indeterminate State and local expenditure increases from expanding workers' compensation eligibility for cardiovascular or cerebrovascular injuries resulting from responding to or remediating from a law enforcement, public safety, or medical emergency.

The OLS notes that the extent to these expenditure increases will depend on the overall increase in the number of cases driven by the eligibility expansion under the bill.