

# SENATE, No. 716

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator CHRISTOPHER "KIP" BATEMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

**Senator Madden**

**SYNOPSIS**

“Thomas P. Canzanella Twenty First Century First Responders Protection Act”; concerns workers’ compensation for public safety workers.

**CURRENT VERSION OF TEXT**

As reported by the Senate Labor Committee with technical review.



**(Sponsorship Updated As Of: 5/22/2018)**

1 AN ACT concerning workers' compensation, public safety workers  
2 and other employees and supplementing chapter 15 of Title 34 of  
3 the Revised Statutes.

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

7  
8 1. This act shall be known and may be cited as the "Thomas P.  
9 Canzanella Twenty First Century First Responders Protection Act."

10  
11 2. The Legislature hereby finds and declares:

12 a. Since the terrorist attacks of September 11, 2001, and the  
13 subsequent discovery of terrorist use of anthrax against American  
14 citizens that year, millions of dollars of State and federal funds have  
15 been spent, and many thousands of man-hours dedicated, to train  
16 and equip public safety workers in New Jersey regarding the  
17 management of terrorist attacks and other man-made or natural  
18 disasters;

19 b. Public safety workers are required by necessity to take great  
20 personal risks of serious injury, illness and death in their duties to  
21 protect the people of New Jersey from the dangers of catastrophic  
22 emergencies, including, but in no way limited to, terrorist attacks  
23 and epidemics;

24 c. The risks of exposure to carcinogens, communicable  
25 diseases, radiation and related hazards to health, already especially  
26 high for fire, police, emergency, medical and other public safety  
27 workers, is further increased by the duties of such workers in  
28 response to catastrophic emergencies, epidemics, and terrorist  
29 attacks which may involve materials related to biological or  
30 chemical warfare, or industrial chemicals or other hazardous  
31 materials released in connection with terrorist attacks against  
32 military, governmental, industrial, infrastructural, and other  
33 vulnerable facilities; and

34 d. Many of the severe, painful and even fatal diseases and  
35 health conditions which afflict these workers because of those  
36 exposures and duties, such as cancer, may take long periods of time  
37 to manifest themselves;

38 e. It is therefore an appropriate public policy to modernize the  
39 workers' compensation system in this State to ensure the meeting of  
40 the critical needs of public safety workers who are New Jersey's  
41 first line of defense in the event of catastrophic emergencies,  
42 epidemics and terrorist attacks, and assure that those workers are  
43 not denied a level of support which is commensurate to the  
44 sacrifices they and their families make for the safety and wellbeing  
45 of the citizens of this State and the nation.

46  
47 3. For the purposes of this act:

1       “Hazardous chemicals or materials used in, or related to,  
2 chemical warfare” means chemicals and materials which may be  
3 used in chemical warfare, including, but not limited to, nerve  
4 agents, chemical asphyxiates, choking agents, blister agents,  
5 incapacitating agents, explosives, and includes other toxic,  
6 carcinogenic or otherwise hazardous industrial chemicals and  
7 materials to which public safety workers and members of the public  
8 may be exposed in connection with possible terrorist attacks against  
9 military, governmental, industrial, infrastructural, and other  
10 vulnerable facilities.

11       “Known carcinogen” means a substance which may cause  
12 cancer, including any substance identified as a carcinogen by the  
13 State Department of Health or by the International Agency for  
14 Research on Cancer.

15       “Pathogens or biological toxins used in, or related to, biological  
16 warfare or epidemics” means serious communicable diseases,  
17 pathogens not necessarily transmitted by sick or infected  
18 individuals, such as anthrax, and biological toxins, such as ricin,  
19 whether or not in weaponized form.

20       “Public safety worker” includes, but is not limited to, a member,  
21 employee, or officer of a paid, partially-paid, or volunteer fire or  
22 police department, force, company or district, including the State  
23 Police, a Community Emergency Response Team approved by the  
24 New Jersey Office of Emergency Management, or a correctional  
25 facility, or a basic or advanced medical technician of a first aid or  
26 rescue squad, or any other nurse, basic or advanced medical  
27 technician responding to a catastrophic incident and directly  
28 involved and in contact with the public during such an incident,  
29 either as a volunteer, member of a Community Emergency  
30 Response Team or employed or directed by a health care facility.

31       “Serious communicable disease” means any disease which is  
32 characterized by the interruption, cessation or disorder of body  
33 functions, systems or organs which may result, if not treated, in  
34 disability, chronic illness or death, and is transmittable by  
35 association with, or proximity to, sick, infected or colonized  
36 individuals, including airborne transmission, or is transmittable by  
37 contact with their bodily fluids, secretions or excretions. “Serious  
38 communicable disease” includes, but is not limited to, meningitis,  
39 tuberculosis, viral hepatitis, human immunodeficiency virus  
40 infections, acquired immunodeficiency syndrome, cholera,  
41 hemorrhagic fever, plague, smallpox, or other disease identified as a  
42 serious communicable disease by the Department of Health, and  
43 also includes diseases caused by antibiotic resistant organisms.

44

45       4. If in the course of a public safety worker's employment, the  
46 worker is:

47       a. exposed to the excretions, secretions, blood or other bodily  
48 fluids of one or more other individuals or is otherwise subjected to a

1 potential exposure, by the other individual or individuals, including  
2 airborne exposure, to a serious communicable disease and any one  
3 of the other individuals is diagnosed with a serious communicable  
4 disease, has symptoms consistent with the serious communicable  
5 disease, or is otherwise determined to be infected with or at  
6 significant risk of contracting the serious communicable disease; or  
7 b. exposed to any pathogen or biological toxins used in, or  
8 related to, biological warfare or epidemics, including airborne  
9 exposure, then all care or treatment of the public safety worker,  
10 including testing, diagnosis, surveillance or other services needed to  
11 ascertain whether the public safety worker contracted a serious  
12 communicable disease and any related monitoring of the worker's  
13 condition, and all time during which the public safety worker is  
14 unable to work while receiving the care or treatment, shall be  
15 compensable under the provisions of R.S.34:15-1 et seq., even if,  
16 after the care or treatment, it is ascertained that the public safety  
17 worker did not contract a serious communicable disease. If it is  
18 ascertained that the public safety worker has contracted a serious  
19 communicable disease or related illness under the circumstances set  
20 forth in this section, there shall be a presumption that any injury,  
21 disability, chronic or corollary illness or death of the public safety  
22 worker caused by, attributable to, or attendant to the disease is  
23 compensable under the provisions of R.S.34:15-1 et seq., but this  
24 presumption may be rebutted by clear and convincing proof that the  
25 exposure is not linked to the occurrence of the disease. The  
26 employer may require the worker to undergo, at the expense of the  
27 employer, reasonable testing, evaluation and monitoring of health  
28 conditions of the worker which is relevant to determining whether  
29 the exposure is linked to the occurrence of the disease, but the  
30 presumption of compensability shall not be adversely affected by  
31 any failure of the employer to require such testing, evaluation or  
32 monitoring.

33  
34 5. Any injury, illness or death of any employee, including a  
35 public safety worker, resulting from the administration to the  
36 employee of a vaccine including, but not limited to, smallpox  
37 vaccine, to prepare for, or respond to, any actual, threatened, or  
38 potential bioterrorism or epidemic, as part of an inoculation  
39 program in connection with the employee's employment or in  
40 connection with any governmental program or recommendation for  
41 the inoculation of workers in the employee's occupation,  
42 geographical area, or other category that includes the employee, or  
43 resulting from the transmission of disease from another employee or  
44 member of the public inoculated under the program, is deemed to  
45 arise out of and in the course of the employment and all care or  
46 treatment of the employee, including testing, diagnosis, surveillance  
47 and monitoring of the employee's condition, and all time during  
48 which the employee is unable to work while receiving the care or

1 treatment, is compensable under the provisions of R.S.34:15-1 et  
2 seq. This section shall not be regarded as authorizing any  
3 requirement that employees participate in an inoculation program or  
4 as diminishing any requirement of law that an inoculation program  
5 be voluntary.

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

34  
35 7. Any injury, illness or death of a firefighter which may be  
36 caused by cancer, including leukemia, shall be presumed to be an  
37 occupational disease compensable under the provisions of  
38 R.S.34:15-1 et seq., if the firefighter has completed not less than  
39 seven years of service as a firefighter. This presumption may be  
40 rebutted by clear and convincing evidence that the occupational  
41 disease did not arise out of and in the course of the employment.  
42 The employer may require the firefighter to undergo, at the expense  
43 of the employer, reasonable testing, evaluation and monitoring of  
44 health conditions of the firefighter which is relevant to determining  
45 whether the occupational disease arose out of and in the course of  
46 the employment, but the presumption of compensability shall not be  
47 adversely affected by any failure of the employer to require such  
48 testing, evaluation or monitoring. A firefighter with less than seven

1 years of service as a firefighter shall be subject to the provisions of  
2 section 6 of this act.

3

4 8. This act is intended to affirm certain rights of public safety  
5 workers and other employees under the circumstances specified in  
6 this act with respect to compensation provided pursuant to  
7 R.S.34:15-1 et seq. and shall not be construed as reducing, limiting  
8 or curtailing any rights of any other worker or employee to  
9 compensation pursuant to R.S.34:15-1 et seq. or of any worker with  
10 respect to any claim for compensation pursuant to R.S.34:15-1 et  
11 seq., including a claim initiated prior to the effective date of this  
12 act.

13

14 9. This act shall take effect immediately.