

CHAPTER 348

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:

C.34:15-7.3 Worker's compensation for injury, death occurring while responding to law enforcement, public safety, medical emergency.

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 and thus compensable under R.S. 34:15-1 et seq., if that injury or death occurs while the individual is responding 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;

(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 enforcement, public safety or medical emergency" 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.

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.

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

Approved January 16, 2024.