

§1 - C.43:16A-7.4
 §2 –
 C.43:16A-10.3
 §3 –
 C.43:15A-43.1
 §4 –
 C.43:15A-49.1
 §5 - C.53:5A-10.1
 §6- C.53:5A-14.4
 §§7,8 - T&E
 §9 - Note

P.L. 2020, CHAPTER 54, *approved July 1, 2020*
 Assembly, No. 3945 (*Second Reprint*)

1 **AN ACT** concerning eligibility for accidental disability and
 2 accidental death benefits for certain members of the Police and
 3 Firemen’s Retirement System ¹**[and],**¹ the Public Employees’
 4 Retirement System ¹, and the State Police Retirement System¹
 5 who contract ¹**[infectious diseases during a public health**
 6 **emergency or state of emergency]** COVID-19¹ ²**and test positive**
 7 for SARS-CoV-2² and supplementing P.L.1944, c.255
 8 (C.43:16A-1 et seq.) ¹**[and],**¹ P.L.1954, c.84 (C.43:15A-
 9 1 et seq.) ¹, and P.L.1965, c.89 (C.53:5A-1 et seq.)¹.

10

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

13

14 1. For purposes of paragraph (1) of subsection a. of section 7
 15 P.L.1944, c.255 (C.43:16A-7), permanent and total disability shall
 16 be deemed to have occurred as a direct result of a traumatic event
 17 occurring during and as a result of the performance of regular or
 18 assigned duties if:

19 the member ¹**[contracts an infectious disease]** ²**[contracted]**
 20 contracts² COVID-19¹ ²**and tests positive for SARS-CoV-2²** during
 21 ²**[the period of]**² ¹**[a]** the¹ public health emergency ¹**[or]** ²**[and]**¹
 22 state of emergency] in the State² declared ¹**[because of that**
 23 **disease]** by the Governor ²**[beginning March 9, 2020 but prior to**
 24 the termination date of either the public health emergency or the
 25 state of emergency, whichever occurs later¹] in Executive Order
 26 No. 103 of 2020 and as extended²;

27 the member is permanently and totally disabled as a result of
 28 ²**[the disease]** COVID-19²; and

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 May 11, 2020.

²Senate SBA committee amendments adopted June 25, 2020.

1 the member's regular or assigned duties required the member to
 2 interact, and the member so interacted, with the public ¹or to
 3 directly supervise other personnel so interacting with the public¹ on
 4 any date ²after the declaration of during² the public health
 5 emergency ¹or ²and ¹state of emergency and in the State
 6 declared by the Governor in Executive Order No. 103 of 2020 and
 7 as extended and² within ¹two weeks 14 calendar days¹ prior to
 8 the appearance of symptoms ²consistent with COVID-19² that shall
 9 have been confirmed ¹in writing¹ by a ¹physician licensed health
 10 care provider¹ ²on a form approved by the board of trustees and
 11 also confirmed by a positive test result for SARS-CoV-2².

12 A member who ²retired during the public health emergency
 13 declared by the Governor in Executive Order No. 103 of 2020 and
 14 as extended, and² has been approved for a retirement allowance
 15 pursuant to a provision other than this section or section 7 of
 16 P.L.1944, c.255 (C.43:16A-7) prior to the effective date of this act,
 17 P.L. , c. (pending before the Legislature as this bill), may apply
 18 for a retirement allowance pursuant to this section and, if approved,
 19 the prior approval shall be rescinded and the retirement allowance
 20 pursuant to approval under this section shall be made retroactive to
 21 the date of the initial approval of the rescinded retirement
 22 allowance.

23 ²¹This section shall also apply to a member who was
 24 performing regular or assigned duties but not yet enrolled in the
 25 Police and Firemen's Retirement System who would otherwise be
 26 eligible for an allowance pursuant to this section.¹²

27 This section shall not apply to any member who has retired and
 28 subsequently returned to employment pursuant to Executive Order
 29 No. 115 of 2020 or any other executive order similarly permitting a
 30 retired member to return to employment without reenrollment to
 31 assist during ¹a the¹ public health emergency ¹or and¹ state of
 32 emergency.

33 ²New onset diseases and chronic psychological disease resulting
 34 from prior exposure to, and recovery from, COVID-19 shall not be
 35 deemed a permanent and total disability resulting from COVID-19.²
 36

37 2. For purposes of paragraph (1) of section 10 of P.L.1944,
 38 c.255 (C.43:16A-10), a member whose death is attributable to ¹an
 39 infectious disease COVID-19¹, complications therefrom, or the
 40 aggravation or acceleration of a preexisting condition caused
 41 thereby shall be deemed to have occurred as the result of an
 42 accident met in the actual performance of duty at some definite time
 43 and place if:

44 the member contracted ¹an infectious disease COVID-19¹
 45 ²and the member's death occurs after receiving a positive test result
 46 for SARS-CoV-2² during ²the period of ²¹a the¹ public health

emergency ¹[or] ²[and¹ state of emergency] in the State² declared
¹[because of that disease] by the Governor ²[beginning March 9,
2020 but prior to the termination date of either the public health
emergency or the state of emergency, whichever occurs later¹] in
Executive Order No. 103 of 2020 and as extended²;

the member dies as a result of ²[the disease] COVID-19²; and
the member's regular or assigned duties required the member to
interact, and the member so interacted, with the public ¹or to
directly supervise other personnel so interacting with the public¹ on
any date ²[after the declaration of] during² the public health
emergency ¹[or] [and¹ state of emergency and] in the State
declared by the Governor in Executive Order No. 103 of 2020 and
as extended and² within ¹[two weeks] 14 calendar days¹ prior to
the appearance of symptoms ²consistent with COVID-19² that shall
have been confirmed ¹in writing¹ by a ¹[physician] licensed health
care provider¹ ²on a form approved by the board of trustees and also
confirmed by a positive test result for SARS-CoV-2².

The filing of an accident report with the Police and Firemen's
Retirement System shall not be required for an accidental death
benefit allowed pursuant to this section.

If a ²member dies during the public health emergency in the
State declared by the Governor on Executive Order No. 103 of 2020
and as extended and the² benefit has been approved pursuant to a
provision other than this section or section 10 of P.L.1944, c.255
(C.43:16A-10) prior to the effective date of this act, P.L. , c.
(pending before the Legislature as this bill), a beneficiary may
apply for a benefit pursuant to this section and, if approved, the
prior approval shall be rescinded and the benefit pursuant to
approval under this section shall be made retroactive to the date of
the initial approval of the rescinded benefit.

²[¹This section shall also apply to a member who was
performing regular or assigned duties but not yet enrolled in the
Police and Firemen's Retirement System when the beneficiary
would otherwise be eligible for a benefit pursuant to this section.¹]²

This section shall not apply to any member who has retired and
subsequently returned to employment pursuant to Executive Order
No. 115 of 2020 or any other executive order similarly permitting a
retired member to return to employment without reenrollment to
assist during ¹[a] the¹ public health emergency ¹[or] and¹ state of
emergency.

3. As used in this section, "law enforcement officer" includes,
but shall not be limited to, sheriff's officers and corrections
officers.

For purposes of subsection a. of section 43 of P.L.1954, c.84
(C.43:15A-43), permanent and total disability of ¹a¹ member who is

1 a law enforcement officer, firefighter, or emergency medical
 2 responder eligible to retire pursuant to that subsection a. shall be
 3 deemed to have occurred as a direct result of a traumatic event
 4 occurring during and as a result of the performance of regular or
 5 assigned duties if:

6 the law enforcement officer, firefighter, or emergency medical
 7 responder ¹~~contracts an infectious disease~~ ²~~contracted~~
 8 ~~contracts~~² COVID-19¹ ²~~and tests positive for SARS-CoV-2~~² during
 9 ²~~the period of~~² ¹~~a~~ ¹~~the~~ public health emergency ¹~~or~~ ²~~and~~¹
 10 state of emergency] in the State² declared ¹~~because of that~~
 11 ~~disease~~ by the Governor ²~~beginning March 9, 2020 but prior to~~
 12 ~~the termination date of either the public health emergency or the~~
 13 ~~state of emergency, whichever occurs later~~¹ in Executive Order
 14 No. 103 of 2020 and as extended²;

15 the law enforcement officer, firefighter, or emergency medical
 16 responder is permanently and totally disabled as a result of ²~~the~~
 17 ~~disease~~ COVID-19²; and

18 the law enforcement officer, firefighter, or emergency medical
 19 responder's regular or assigned duties required the law enforcement
 20 officer, firefighter, or emergency medical responder to interact, and
 21 the law enforcement officer, firefighter, or emergency medical
 22 responder so interacted, with the public ¹~~or to directly supervise~~
 23 ~~other personnel so interacting with the public~~¹ on any date ²~~after~~
 24 ~~the declaration of~~ during² the public health emergency ¹~~or~~
 25 ²~~and~~¹ state of emergency and] in the State declared by the
 26 Governor in Executive Order No. 103 of 2020 and as extended and²
 27 within ¹~~two weeks~~ 14 calendar days¹ prior to the appearance of
 28 symptoms ²~~consistent with COVID-19~~² that shall have been
 29 confirmed ¹~~in writing~~¹ by a ¹~~physician~~ licensed health care
 30 provider¹ ²~~on a form approved by the board of trustees and also~~
 31 confirmed by a positive test result for SARS-CoV-2².

32 A member who is a law enforcement officer, firefighter, or
 33 emergency medical responder and who ²~~retired during the public~~
 34 ~~health emergency in the State declared by the Governor in~~
 35 Executive Order No. 103 of 2020 and as extended and² has been
 36 approved for a retirement allowance pursuant to a provision other
 37 than this section or section 43 of P.L.1954, c.84 (C.43:15A-43)
 38 prior to the effective date of this act, P.L. , c. (pending before
 39 the Legislature as this bill), may apply for a retirement allowance
 40 pursuant to this section and, if approved, the prior approval shall be
 41 rescinded and the retirement allowance pursuant to approval under
 42 this section shall be made retroactive to the date of the initial
 43 approval of the rescinded retirement allowance.

44 ²~~This section shall also apply to a law enforcement officer,~~
 45 ~~firefighter, or emergency medical responder who was performing~~
 46 regular or assigned duties but not yet enrolled in the Public

1 Employees' Retirement System who would otherwise be eligible for
 2 an allowance pursuant to this section.¹²

3 This section shall not apply to any member who has retired and
 4 subsequently returned to employment pursuant to Executive Order
 5 No. 115 of 2020 or any other executive order similarly permitting a
 6 retired member to return to employment without reenrollment to
 7 assist during ¹**[a]** the¹ public health emergency ¹**[or]** and¹ state of
 8 emergency.

9 ²New onset diseases and chronic psychological disease resulting
 10 from prior exposure to, and recovery from, COVID-19 shall not be
 11 deemed a permanent and total disability resulting from COVID-19.²
 12

13 4. As used in this section, "law enforcement officer" includes,
 14 but shall not be limited to, sheriff's officers and corrections
 15 officers.

16 For purposes of paragraph (1) of subsection a. of section 49 of
 17 P.L.1954, c.84 (C.43:15A-49), a member who is a law enforcement
 18 officer, firefighter, or emergency medical responder and whose
 19 death is attributable to ¹**[an infectious disease]** COVID-19¹,
 20 complications therefrom, or the aggravation or acceleration of a
 21 preexisting condition caused thereby shall be deemed to have
 22 occurred as the result of an accident met in the actual performance
 23 of duty at some definite time and place if:

24 the law enforcement officer, firefighter, or emergency medical
 25 responder contracted ¹**[an infectious disease]** COVID-19¹ ²and the
 26 member's death occurs after receiving a positive test result for
 27 SARS-CoV-2² during ²**[the period of]**² ¹**[a]** the¹ public health
 28 emergency ¹**[or]** ²**[and]**¹ state of emergency ²**[in the State]**² declared
 29 ¹**[because of that disease]** by the Governor ²**[beginning March 9,**
 30 2020 but prior to the termination date of either the public health
 31 emergency or the state of emergency, whichever occurs later¹ ²**[in**
 32 Executive Order No. 103 of 2020 and as extended²;

33 the law enforcement officer, firefighter, or emergency medical
 34 responder dies as a result of ²**[the disease]** COVID-19²; and

35 the law enforcement officer, firefighter, or emergency medical
 36 responder's regular or assigned duties required the law enforcement
 37 officer, firefighter, or emergency medical responder to interact, and
 38 the law enforcement officer, firefighter, or emergency medical
 39 responder so interacted, with the public ¹or to directly supervise
 40 other personnel so interacting with the public¹ on any date ²**[after**
 41 the declaration of] during² the public health emergency ¹**[or]**
 42 ²**[and]**¹ state of emergency ²**[and]** in the State declared by the
 43 Governor in Executive Order No. 103 of 2020 and as extended ²and
 44 within ¹**[two weeks]** 14 calendar days¹ prior to the appearance of
 45 symptoms ²consistent with COVID-19² that shall have been
 46 confirmed ¹in writing¹ by a ¹**[physician]** licensed health care

1 provider¹ ²on a form approved by the board of trustees and also
 2 confirmed by a positive test result for SARS-CoV-2².

3 The filing of an accident report with the Public Employees'
 4 Retirement System shall not be required for an accidental death
 5 benefit allowed pursuant to this section.

6 If ²~~an application of a beneficiary~~ a member dies during the
 7 public health emergency in the State declared by the Governor in
 8 Executive Order No. 103 of 2020 and as extended and the benefit²
 9 has been approved pursuant to a provision other than this section or
 10 section 49 of P.L.1954, c.84 (C.43:15A-49) prior to the effective
 11 date of this act, P.L. , c. (pending before the Legislature as this
 12 bill), a beneficiary may apply for a benefit pursuant to this section
 13 and, if approved, the prior approval shall be rescinded and the
 14 benefit pursuant to approval under this section shall be made
 15 retroactive to the date of the rescinded initial approval.

16 ²~~1~~This section shall also apply to a law enforcement officer,
 17 firefighter, or emergency medical responder who was performing
 18 regular or assigned duties but not yet enrolled in the Public
 19 Employees' Retirement System when the beneficiary would
 20 otherwise be eligible for a benefit pursuant to this section.¹²

21 This section shall not apply to any member who has retired and
 22 subsequently returned to employment pursuant to Executive Order
 23 No. 115 of 2020 or any other executive order similarly permitting a
 24 retired member to return to employment without reenrollment to
 25 assist during ¹~~a~~ the¹ public health emergency ¹~~or~~ and¹ state of
 26 emergency.

27
 28 ¹5. For purposes of subsection a. of section 10 of P.L.1965,
 29 c.89 (C.53:5A-10), permanent and total disability shall be deemed
 30 to have occurred as a direct result of a traumatic event occurring
 31 during and as a result of the performance of regular or assigned
 32 duties if:

33 the member ²~~contracted~~ contracts² COVID-19 ²and tests
 34 positive for SARS-CoV-2² during ²~~the period of~~² the public
 35 health emergency ²~~and state of emergency~~ in this State² declared
 36 by the Governor ²~~beginning March 9, 2020 but prior to the~~
 37 termination date of either the public health emergency or the state
 38 of emergency, whichever occurs later in Executive Order No. 103
 39 of 2020 and as extended²;

40 the member is permanently and totally disabled as a result of
 41 ²~~the disease~~ COVID-19²; and

42 the member's regular or assigned duties required the member to
 43 interact, and the member so interacted, with the public or to directly
 44 supervise other personnel so interacting with the public on any date
 45 ²~~after the declaration of~~ during² the public health emergency
 46 ²~~and state of emergency and~~ in this State declared by the
 47 Governor in Executive Order No. 103 of 2020 and as extended and²

1 within 14 calendar days prior to the appearance of symptoms
 2 ²consistent with COVID-19² that shall have been confirmed in
 3 writing by a licensed health care provider ²on a form approved by
 4 the board of trustees and also confirmed by a positive test result for
 5 SARS-CoV-2².

6 A member who ²retired during the public health emergency in
 7 the State declared by the Governor in Executive Order No. 103 of
 8 2020 and as extended and² has been approved for a retirement
 9 allowance pursuant to a provision other than this section or section
 10 10 of P.L.1965, c.89 (C.53:5A-10) prior to the effective date of this
 11 act, P.L. , c. (pending before the Legislature as this bill), may
 12 apply for a retirement allowance pursuant to this section and, if
 13 approved, the prior approval shall be rescinded and the retirement
 14 allowance pursuant to approval under this section shall be made
 15 retroactive to the date of the initial approval of the rescinded
 16 retirement allowance.

17 ²[This section shall also apply to a member who was performing
 18 regular or assigned duties but not yet enrolled in the State Police
 19 Retirement System who would otherwise be eligible for an
 20 allowance pursuant to this section.]²

21 This section shall not apply to any member who has retired and
 22 subsequently returned to employment pursuant to Executive Order
 23 No. 115 of 2020 or any other executive order similarly permitting a
 24 retired member to return to employment without reenrollment
 25 during the public health emergency and state of emergency.¹

26 ²New onset diseases and chronic psychological disease resulting
 27 from prior exposure to, and recovery from, COVID-19 shall not be
 28 deemed a permanent and total disability resulting from COVID-19.²
 29

30 ¹6. For purposes of subsection a. of section 14 of P.L.1965, c.89
 31 (C.53:5A-14), a member whose death is attributable to COVID-19,
 32 complications therefrom, or the aggravation or acceleration of a
 33 preexisting condition caused thereby shall be deemed to have
 34 occurred as the result of an accident met in the actual performance
 35 of duty at some definite time and place if:

36 the member contracted COVID-19 ²and the member's death
 37 occurs after receiving a positive test result for SARS-CoV-2² during
 38 the ²[period of]² the public health emergency ²[and state of
 39 emergency] in this State² declared by the Governor ²[beginning
 40 March 9, 2020 but prior to the termination date of either the public
 41 health emergency or the state of emergency, whichever occurs
 42 later] in Executive Order No. 103 of 2020 and as extended²;

43 the member dies as a result of ²[the disease] COVID-19² ; and
 44 the member's regular or assigned duties required the member to
 45 interact, and the member so interacted, with the public or to directly
 46 supervise other personnel so interacting with the public on any date
 47 ²[after the declaration of] during² the public health emergency

²[and state of emergency and] in this State declared by the Governor in Executive Order No. 103 of 2020 and as extended and² within 14 calendar days prior to the appearance of symptoms²consistent with COVID-19² that shall have been confirmed in writing by a licensed health care provider²on a form approved by the board of trustees and also confirmed by a positive test result for SARS-CoV-2².

The filing of an accident report with the State Police Retirement System shall not be required for an accidental death benefit allowed pursuant to this section.

If a ²member dies during the public health emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended and the² benefit has been approved pursuant to a provision other than this section or section 14 of P.L.1965, c.89 (C.53:5A-14) prior to the effective date of this act, P.L. _____, c. (pending before the Legislature as this bill), a beneficiary may apply for a benefit pursuant to this section and, if approved, the prior approval shall be rescinded and the benefit pursuant to approval under this section shall be made retroactive to the date of the initial approval of the rescinded benefit.

²[This section shall also apply to a member who was performing regular or assigned duties but not yet enrolled in the State Police Retirement System when the beneficiary would otherwise be eligible for a benefit pursuant to this section.]²

This section shall not apply to any member who has retired and subsequently returned to employment pursuant to Executive Order No. 115 of 2020 or any other executive order similarly permitting a retired member to return to employment without reenrollment to assist during the public health emergency and state of emergency.¹

¹7. The Division of Pension and Benefits in the Department of the Treasury², and the board of trustees in the case of the Police and Firemen's Retirement System,² shall notify all members of the Police and Firemen's Retirement System, all law enforcement officer, firefighter and emergency medical responder members of the Public Employees' Retirement System, and all members of the State Police Retirement System who are enrolled in those respective retirement systems on the effective date of this act, P.L. _____, c. (pending before the Legislature as this bill), of the provisions of this act. The division², and the board of trustees in the case of the Police and Firemen's Retirement System,² shall also notify all members who retired on or after March 9, 2020 and all beneficiaries of members who died on or after March 9, 2020 of the provisions of this act.

The division², and the board of trustees in the case of the Police and Firemen's Retirement System,² shall provide the required notice within 30 days after the effective date of this act.¹

1 ¹8. Notwithstanding any provision of the "Administrative
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the
3 contrary, the board of trustees for the Police and Firemen's
4 Retirement System, for the Public Employees' Retirement System
5 and for the State Police Retirement System, during the 90-day
6 period following the effective date of this act, P.L. _____, c.
7 (pending before the Legislature as this bill), may adopt, amend, or
8 repeal any rule or regulation on an emergency basis for a period not
9 to exceed 180 days for the purpose of the expeditious and effective
10 implementation of the provisions of this act. Any emergency rule
11 or regulation authorized by this section shall be subject to such
12 terms and conditions as a board of trustees may deem appropriate.
13 Such emergency rules or regulations shall be effective when
14 published by the board on the website of the Department of the
15 Treasury², and on the website of the board of trustees in the case of
16 the Police and Firemen's Retirement System². Notice of any
17 emergency rule or regulation pursuant to this section shall be
18 published in the New Jersey Register not later than 30 days
19 subsequent to the implementation of the emergency rules or
20 regulations.¹

21
22 ¹**【5.】** 9.¹ This act shall take effect immediately and shall be
23 retroactive to ¹**【January 1, 2020】** March 9, 2020¹.
24
25

26
27
28 Extends eligibility for accidental disability and accidental death
29 benefits to certain PFRS, SPRS, and PERS members who contract
30 COVID-19 and test positive for SARS-CoV-2.