

# STATE OF NEW YORK

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5075

2019-2020 Regular Sessions

## IN ASSEMBLY

February 7, 2019

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Introduced by M. of A. JEAN-PIERRE, WILLIAMS, FERNANDEZ, DICKENS, ORTIZ, D'URSO, BARRON, ARROYO, RIVERA, DAVILA, MOSLEY, RICHARDSON, ABBATE, COOK, SIMON -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to presumptions in opioid overdose claims for compensation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 21 of the workers' compensation law, subdivision 5  
2 as amended by chapter 268 of the laws of 1946, is amended to read as  
3 follows:

4 § 21. Presumptions. In any proceeding for the enforcement of a claim  
5 for compensation under this chapter, it shall be presumed in the absence  
6 of substantial evidence to the contrary:

7 1. That the claim comes within the provision of this chapter[+].

8 2. That sufficient notice thereof was given[+].

9 3. That the injury was not occasioned by the willful intention of the  
10 injured employee to bring about the injury or death of himself or of  
11 another[+].

12 4. That the injury did not result solely from the intoxication of the  
13 injured employee while on duty.

14 5. That the contents of medical and surgical reports introduced in  
15 evidence by claimants for compensation shall constitute prima facie  
16 evidence of fact as to the matter contained therein.

17 6. That the death of an injured worker due to opioid overdose is  
18 compensable where that injured worker was prescribed opioids as a result  
19 of his or her workplace injury.

20 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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