STATE OF NEW YORK

1963

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sens. BROOKS, ADDABBO, BOYLE, GALLIVAN, GAUGHRAN, HOYLMAN, JORDAN, KAMINSKY, KAPLAN, KENNEDY, MAY, ORTT, SERINO, SKOUFIS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to COVID-19 exposure during a state of emergency

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

Section 1. The volunteer firefighters' benefit law is amended by adding a new section 11-d to read as follows:

§ 11-d. COVID-19 exposure. 1. If, as a result of services performed in the line of duty during a state of emergency, a volunteer firefighter is exposed to or comes in contact with COVID-19, the chief engineer or other executive officer of the fire department or fire company of which he or she is a member may authorize the volunteer firefighter to obtain such examinations, tests, treatment and care as are immediately necessary to determine whether he or she is injured. Any such authorization may be granted prior to the giving of a notice of injury under this chapter. In any such case, the volunteer firefighter shall be deemed to have been injured and shall be entitled to treatment and care and disability benefits as provided in this chapter.

2. Notwithstanding any provision of this chapter or of any general, special or local law to the contrary, and for the purposes of this chapter, any, condition of impairment of health caused by exposure to COVID-19 during a state of emergency, resulting in, total or partial disability or death to a volunteer firefighter where such firefighter tested positive for COVID-19, shall be presumptive evidence that such disability or death: (a) was caused by the natural and proximate result of exposure to COVID-19, not caused by such firefighter's own negli-

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

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gence; and (b) was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence.

§ 2. The volunteer ambulance workers' benefit law is amended by adding a new section 11-d to read as follows:

§ 11-d. COVID-19 exposures. 1. If, as a result of services performed in the line of duty during a state of emergency, a volunteer ambulance worker is exposed to or comes in contact with COVID-19, the captain or other executive officer of the ambulance department, volunteer ambulance company or ambulance district of which he or she is a member may authorize the volunteer ambulance worker to obtain such examinations, tests, treatment and care as are immediately necessary to determine whether he or she is injured. Any such authorization may be granted prior to the giving of a notice of injury under this chapter. In any such case, the volunteer ambulance worker shall be deemed to have been injured and shall be entitled to treatment and care and disability benefits as provided in this chapter.

2. Notwithstanding any provision of this chapter or of any general, special or local law to the contrary, and for the purposes of this chapter, any, condition of impairment of health caused by exposure to COVID-19 during a state of emergency, resulting in, total or partial disability or death to a volunteer ambulance worker where such ambulance worker tested positive for COVID-19, shall be presumptive evidence that such disability or death: (a) was caused by the natural and proximate result of exposure to COVID-19, not caused by such ambulance worker's own negligence; and (b) was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence.

§ 3. This act shall take effect immediately.