STATE OF NEW YORK

9922

IN ASSEMBLY

April 19, 2022

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the workers' compensation law, in relation to presumptive evidence for individuals who participated in the World Trade Center rescue, recovery and clean-up operations

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

Section 1. Section 161 of the workers' compensation law is amended by adding a new subdivision 5 to read as follows:

5. "Centers for Disease Control and Prevention World Trade Center Health Program Certification" shall be deemed to be presumptive medical evidence of a causally related diagnosis for an individual covered under this section.

§ 2. The workers' compensation law is amended by adding a new section 169 to read as follows:

§ 169. Presumptive evidence. Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, any condition of impairment of health or death of an individual who files a workers' compensation claim under this article or a dependent of a decedent who files a workers' compensation claim under this article shall be presumptive evidence that such condition of impairment of health or death was incurred as a result of such individual's participation in the World Trade Center rescue, recovery and clean-up operations. Provided further, the board shall accept the certifications of the Centers for Disease Control and Prevention World Trade Center Health Program as presumptive evidence of causation of certified illnesses pursuant to 42 USC 300mm.

§ 3. This act shall take effect immediately.

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

LBD15101-02-2