STATE OF NEW YORK

1499

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. JEAN-PIERRE, DAVILA, DICKENS, COOK, RIVERA, SIMON, WILLIAMS -- 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:

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

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

1. That the claim comes within the provision of this chapter;

2. That sufficient notice thereof was given;

3. That the injury was not occasioned by the willful intention of the injured employee to bring about the injury or death of himself **or herself** or of another;

4. That the injury did not result solely from the intoxication of the injured employee while on duty[~~.~~]**;**

5. That the contents of medical and surgical reports introduced in evidence by claimants for compensation shall constitute prima facie evidence of fact as to the matter contained therein[~~.~~]**; and**

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

§ 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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