

STATE OF NEW YORK

4030

2023-2024 Regular Sessions

IN SENATE

February 2, 2023

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,
and when printed to be committed 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
11 herself or of 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~~[-]~~; and

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.

LBD02902-01-3