# STATE OF NEW YORK

8408--A

2023-2024 Regular Sessions

# IN ASSEMBLY

December 13, 2023

Introduced by M. of A. DURSO, GRAY, TAGUE, E. BROWN, CHANG, BENDETT, ANGELINO, BEEPHAN, JENSEN, McDONOUGH, DeSTEFANO -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the workers' compensation law, in relation to certain claims for death benefits based on death due to COVID-19 in memory of Joseph Fletcher; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. Short title. This act shall be known and may be cited as the "Joseph Fletcher act".

§ 2. The workers' compensation law is amended by adding a new section 3-a to read as follows:

**§ 3-a. Reopening of claims for COVID-19 death benefits. 1. A claim for death benefits based on a diagnosis of COVID-19 resulting in the death of the essential employee whose exposure was sustained in service as an essential worker as defined by executive order 202 issued March seventh, two thousand twenty and expired June twenty-fourth, two thousand twenty-one shall not be disallowed as barred by section eighteen or section twenty-eight of this chapter if such claim is filed within one year of the effective date of this section. Any subsequent claims may be filed after such period in accordance with sections eighteen and twenty-eight of this chapter.**

**2. The board shall permit the filing of claims for death benefits due to COVID-19 which were previously denied due to section eighteen or twenty-eight of this chapter prior to the effective date of this section, and shall, upon application, re-hear and determine such claims.**

§ 3. This act shall take effect immediately and shall expire and be deemed repealed two years after such date.

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

LBD11758-05-4