

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 presump-
tions in opioid overdose claims for compensation

The People of the State of New York, represented in Senate and Assem-
bly, 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.

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