

STATE OF NEW YORK

4822

2025-2026 Regular Sessions

IN ASSEMBLY

February 6, 2025

Introduced by M. of A. O'PHARROW -- read once and referred to the
Committee on Local Governments

AN ACT to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to COVID-19 exposure during a state of emergency

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

1 Section 1. The volunteer firefighters' benefit law is amended by
2 adding a new section 11-d to read as follows:

3 § 11-d. COVID-19 exposure. 1. If, as a result of services performed in
4 the line of duty during a state of emergency, a volunteer firefighter is
5 exposed to or comes in contact with COVID-19, the chief engineer or
6 other executive officer of the fire department or fire company of which
7 such volunteer firefighter is a member may authorize the volunteer fire-
8 fighter to obtain such examinations, tests, treatment and care as are
9 immediately necessary to determine whether they are injured. Any such
10 authorization may be granted prior to the giving of a notice of injury
11 under this chapter. In any such case, the volunteer firefighter shall be
12 deemed to have been injured and shall be entitled to treatment and care
13 and disability benefits as provided in this chapter.

14 2. Notwithstanding any provision of this chapter or of any general,
15 special or local law to the contrary, and for the purposes of this chap-
16 ter, any, condition of impairment of health caused by exposure to
17 COVID-19 during a state of emergency, resulting in, total or partial
18 disability or death to a volunteer firefighter where such firefighter
19 tested positive for COVID-19, shall be presumptive evidence that such
20 disability or death: (a) was caused by the natural and proximate result
21 of exposure to COVID-19, not caused by such firefighter's own negli-
22 gence; and (b) was incurred in the performance and discharge of duty,
23 unless the contrary be proven by competent evidence.

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

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1 § 2. The volunteer ambulance workers' benefit law is amended by adding
2 a new section 11-d to read as follows:

3 § 11-d. COVID-19 exposures. 1. If, as a result of services performed
4 in the line of duty during a state of emergency, a volunteer ambulance
5 worker is exposed to or comes in contact with COVID-19, the captain or
6 other executive officer of the ambulance department, volunteer ambulance
7 company or ambulance district of which such volunteer ambulance worker
8 is a member may authorize the volunteer ambulance worker to obtain such
9 examinations, tests, treatment and care as are immediately necessary to
10 determine whether they are injured. Any such authorization may be grant-
11 ed prior to the giving of a notice of injury under this chapter. In any
12 such case, the volunteer ambulance worker shall be deemed to have been
13 injured and shall be entitled to treatment and care and disability bene-
14 fits as provided in this chapter.

15 2. Notwithstanding any provision of this chapter or of any general,
16 special or local law to the contrary, and for the purposes of this chap-
17 ter, any, condition of impairment of health caused by exposure to
18 COVID-19 during a state of emergency, resulting in, total or partial
19 disability or death to a volunteer ambulance worker where such ambulance
20 worker tested positive for COVID-19, shall be presumptive evidence that
21 such disability or death: (a) was caused by the natural and proximate
22 result of exposure to COVID-19, not caused by such ambulance worker's
23 own negligence; and (b) was incurred in the performance and discharge of
24 duty, unless the contrary be proven by competent evidence.

25 § 3. This act shall take effect immediately.