

1 H.848

2 Introduced by Representative Keenan of St. Albans City

3 Referred to Committee on

4 Date:

5 Subject: Labor; workers' compensation; definitions

6 Statement of purpose of bill as introduced: This bill proposes to amend the
7 definition of "personal injury by accident arising out of and in the course of
8 employment" to include State employees employed at the Vermont Veterans'
9 Home, Woodside Juvenile Rehabilitation Center, State correctional facilities,
10 and mental health facilities operated by the State.

11 An act relating to workers' compensation personal injury definition

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 21 V.S.A. § 601 is amended to read:

14 § 601. DEFINITIONS

15 Unless the context otherwise requires, words and phrases used in this
16 chapter shall be construed as follows:

17 * * *

18 (11) "Personal injury by accident arising out of and in the course of
19 employment" includes an injury caused by the willful act of a third person
20 directed against an employee because of that employment.

1 * * *

2 (H)(i) In the case of firefighters and members of a rescue or an
3 ambulance squad, as well as an employee defined in subdivision (I) of this
4 subdivision (11), disability or death resulting from lung disease or an
5 infectious disease either one of which is caused by aerosolized airborne
6 infectious agents or blood-borne pathogens and acquired after a documented
7 occupational exposure in the line of duty to a person with an illness shall be
8 presumed to be compensable, unless it is shown by a preponderance of the
9 evidence that the disease was caused by nonservice-connected risk factors or
10 nonservice-connected exposure. The presumption of compensability shall not
11 be available if the employer offers a vaccine that is refused by the firefighter
12 ~~or~~, rescue or ambulance worker, or employee as defined in subdivision (I) of
13 this subdivision (11) and the firefighter ~~or~~, rescue or ambulance worker, or
14 employee as defined in subdivision (I) is subsequently diagnosed with the
15 particular disease for which the vaccine was offered, unless the physician of
16 the firefighter or rescue or ambulance worker's ~~physician~~ worker, or employee
17 as defined in subdivision (I) deems that the vaccine is not medically safe or
18 appropriate for the firefighter ~~or~~, rescue or ambulance worker, or employee as
19 defined in subdivision (I).

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