HOUSE DOCKET, NO. 1820 FILED ON: 1/19/2017

HOUSE . . . . . No. 998

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas J. Calter

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to needle stick injuries suffered by first responders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Thomas J. Calter	*12th Plymouth*	*1/19/2017*
Michael D. Brady	*Second Plymouth and Bristol*	*2/3/2017*
William L. Crocker, Jr.	*2nd Barnstable*	*1/29/2017*
Josh S. Cutler	*6th Plymouth*	*1/24/2017*
Viriato M. deMacedo	*Plymouth and Barnstable*	*2/1/2017*
Angelo L. D'Emilia	*8th Plymouth*	*1/19/2017*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/2/2017*
Colleen M. Garry	*36th Middlesex*	*2/2/2017*
Susan Williams Gifford	*2nd Plymouth*	*1/23/2017*
Thomas M. McGee	*Third Essex*	*1/30/2017*
Michael O. Moore	*Second Worcester*	*2/2/2017*
Mathew Muratore	*1st Plymouth*	*1/23/2017*
Richard J. Ross	*Norfolk, Bristol and Middlesex*	*1/23/2017*
Bruce E. Tarr	*First Essex and Middlesex*	*2/3/2017*
Timothy R. Whelan	*1st Barnstable*	*1/19/2017*

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By Mr. Calter of Kingston, a petition (accompanied by bill, House, No. 998) of Thomas J. Calter and others relative to the pay of first responders out of work due to needlestick injuries suffered in the line of duty. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1689* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to needle stick injuries suffered by first responders.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 149 of the General Laws is hereby amended by inserting after section 33E, as appearing in the 2014 Official Edition, the following section:-

Section 33F. (a) For purposes of this section, the following words, unless the context clearly requires otherwise, shall have the following meanings:-

"Employer", an employer, employment agency, the commonwealth or any of its political subdivisions, by itself or its agents.

"First responder", any police officer, firefighter, EMS first responder, as defined by section 1 of chapter 111C, or correction officer.

(b) Whenever the skin of any first responder is punctured or scratched by a syringe, needle, tooth, human or otherwise, or other sharp instrument, while in the performance of duty, the employer of such first responder shall continue to pay the first responder for any scheduled time that, as a result of the need tor treatment for the prevention or diagnosis of any infectious disease, including potential HIV, AIDS or hepatitis, the first responder is forced to be absent from his or her employment until such time as a blood test determines that the first responder has not been infected or the first responder receives, as a result of the puncture or scratch or treatment thereof, compensation on the basis of total or partial incapacity pursuant to chapter 152, whichever occurs first; provided, however, that the injured first responder shall submit a written incident report detailing the incident whereby the first responder was punctured or scratched to the first responder's superior officer or a person designated by the employer within 5 days of the incident.

(c) A blood test to determine whether or not the first responder was infected as a result of the incident shall be taken at the earliest possible date in accordance with regulations to be promulgated by the department of public safety.

(d) Notwthistanding subsection (b), if, after a reasonable investigation, the first responder's superior officer or a person designated by the employer, doubts the truthfulness of the first responder's incident report, the employer may withhold payment required under subsection (b) after providing notification to the first responder. Within 20 days of receiving notification, a first responder may appeal an employer's decision to withhold payment to the secretary of public safety and the secretary may, after a hearing of which all interested parties shall have reasonable notice, approve or disapprove the employer's decision to withhold

payment. In the event that the decision to withhold payment is disapproved, the secretary shall direct the employer to make payment in accordance with subsection (b).

(e) This section shall not affect the first responder's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the individual is otherwise eligible or any other advantages or rights of employment incident to the position.