
BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. For purposes of paragraph (1) of subsection a. of section 7 P.L.1944, c.255 (C.43:16A-7), permanent and total disability shall be deemed to have occurred as a direct result of a traumatic event occurring during and as a result of the performance of regular or assigned duties if:

   the member contracts an infectious disease and tests positive for SARS-CoV-2 during the period of the public health emergency or state of emergency declared by the Governor beginning March 9, 2020 but prior to the termination date of either the public health emergency or the state of emergency, whichever occurs later, in Executive Order No. 103 of 2020 and as extended; and

   the member is permanently and totally disabled as a result of the disease COVID-19; and

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

$1 - C.43:16A-7.4
$2 – C.43:16A-10.3
$3 – C.43:15A-43.1
$4 – C.43:15A-49.1
$5 - C.53:5A-10.1
$6- C.53:5A-14.4
$§7,8 - T&E
$9 - Note

P.L. 2020, CHAPTER 54, approved July 1, 2020
Assembly, No. 3945 (Second Reprint)
the member’s regular or assigned duties required the member to interact, and the member so interacted, with the public on any date after the declaration of the public health emergency or state of emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended and within two weeks of the appearance of symptoms consistent with COVID-19 that shall have been confirmed in writing by a licensed health care provider on a form approved by the board of trustees and also confirmed by a positive test result for SARS-CoV-2.

A member who retired during the public health emergency declared by the Governor in Executive Order No. 103 of 2020 and as extended, and has been approved for a retirement allowance pursuant to a provision other than this section or section 7 of P.L.1944, c.255 (C.43:16A-7) prior to the effective date of this act, may apply for a retirement allowance pursuant to this section and, if approved, the prior approval shall be rescinded and the retirement allowance pursuant to approval under this section shall be made retroactive to the date of the initial approval of the rescinded retirement allowance.

This section shall also apply to a member who was performing regular or assigned duties but not yet enrolled in the Police and Firemen’s Retirement System who would otherwise be eligible for an allowance pursuant to this section.

This section shall not apply to any member who has retired and subsequently returned to employment pursuant to Executive Order No. 115 of 2020 or any other executive order similarly permitting a retired member to return to employment without reenrollment to assist during the public health emergency and state of emergency.

New onset diseases and chronic psychological disease resulting from prior exposure to, and recovery from, COVID-19 shall not be deemed a permanent and total disability resulting from COVID-19.

2. For purposes of paragraph (1) of section 10 of P.L.1944, c.255 (C.43:16A-10), a member whose death is attributable to an infectious disease COVID-19, complications therefrom, or the aggravation or acceleration of a preexisting condition caused thereby shall be deemed to have occurred as the result of an accident met in the actual performance of duty at some definite time and place if:

the member contracted an infectious disease COVID-19 and the member’s death occurs after receiving a positive test result for SARS-CoV-2 during the period of the public health
emergency \( \text{1} \)\( \text{or} \) \( \text{2} \) \( \text{state of emergency} \) \( \text{in the State} \) \( \text{declared} \) \( \text{by the Governor} \) \( \text{beginning March 9, 2020} \) but prior to the termination date of either the public health emergency or the state of emergency, whichever occurs later \( \text{in Executive Order No. 103 of 2020} \) and as extended \( \text{2} \): the member dies as a result of \( \text{2} \) \( \text{the disease} \) \( \text{COVID-19} \); and the member’s regular or assigned duties required the member to interact, and the member so interacted, with the public \( \text{1} \) \( \text{or to directly supervise other personnel so interacting with the public} \) \( \text{on any date \( \text{2} \) after the declaration of} \) \( \text{during} \) \( \text{the public health emergency} \) \( \text{in the State declared by the Governor in Executive Order No. 103 of 2020} \) and as extended \( \text{2} \) \( \text{within two weeks} \) \( \text{prior to the appearance of symptoms} \) \( \text{consistent with COVID-19} \) that shall have been confirmed \( \text{in writing} \) \( \text{by a physician licensed health care provider} \) \( \text{on a form approved by the board of trustees and also confirmed by a positive test result for SARS-CoV-2} \).

The filing of an accident report with the Police and Firemen’s Retirement System shall not be required for an accidental death benefit allowed pursuant to this section.

If a \( \text{2} \) \( \text{member dies during the public health emergency in the State declared by the Governor on Executive Order No. 103 of 2020 and as extended} \) \( \text{benefit has been approved pursuant to a provision other than this section or section 10 of P.L.1944, c.255 (C.43:16A-10) prior to the effective date of this act, P.L. , c. (pending before the Legislature as this bill), a beneficiary may apply for a benefit pursuant to this section and, if approved, the prior approval shall be rescinded and the benefit pursuant to approval under this section shall be made retroactive to the date of the initial approval of the rescinded benefit.} \)

This section shall also apply to a member who was performing regular or assigned duties but not yet enrolled in the Police and Firemen’s Retirement System when the beneficiary would otherwise be eligible for a benefit pursuant to this section.

This section shall not apply to any member who has retired and subsequently returned to employment pursuant to Executive Order No. 115 of 2020 or any other executive order similarly permitting a retired member to return to employment without reenrollment to assist during \( \text{1} \) \( \text{the public health emergency} \) \( \text{state of emergency} \).

3. As used in this section, “law enforcement officer” includes, but shall not be limited to, sheriff’s officers and corrections officers.

For purposes of subsection a. of section 43 of P.L.1954, c.84 (C.43:15A-43), permanent and total disability of \( \text{a} \) \( \text{member who is} \)
a law enforcement officer, firefighter, or emergency medical
responder eligible to retire pursuant to that subsection a. shall be
deemed to have occurred as a direct result of a traumatic event
occurring during and as a result of the performance of regular or
assigned duties if:

the law enforcement officer, firefighter, or emergency medical
responder contracts an infectious disease and tests positive for SARS-CoV-2 during
the period of the public health emergency or state of emergency in the State declared by the Governor beginning March 9, 2020 but prior to the termination date of either the public health emergency or the state of emergency, whichever occurs later in Executive Order No. 103 of 2020 and as extended;

the law enforcement officer, firefighter, or emergency medical
responder is permanently and totally disabled as a result of the disease COVID-19; and

the law enforcement officer, firefighter, or emergency medical
responder’s regular or assigned duties required the law enforcement officer, firefighter, or emergency medical responder to interact, and the law enforcement officer, firefighter, or emergency medical responder so interacted, with the public or to directly supervise other personnel so interacting with the public on any date after the declaration of during the public health emergency or
and state of emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended and within two weeks prior to the appearance of symptoms consistent with COVID-19 that shall have been confirmed in writing by a licensed health care provider on a form approved by the board of trustees and also confirmed by a positive test result for SARS-CoV-2.

A member who is a law enforcement officer, firefighter, or emergency medical responder and who retired during the public health emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended and has been approved for a retirement allowance pursuant to a provision other than this section or section 43 of P.L.1954, c.84 (C.43:15A-43) prior to the effective date of this act, P.L. , c. (pending before the Legislature as this bill), may apply for a retirement allowance pursuant to this section and, if approved, the prior approval shall be rescinded and the retirement allowance pursuant to approval under this section shall be made retroactive to the date of the initial approval of the rescinded retirement allowance.

This section shall also apply to a law enforcement officer, firefighter, or emergency medical responder who was performing regular or assigned duties but not yet enrolled in the Public Security Retirement and Disability Fund.
Employees’ Retirement System who would otherwise be eligible for an allowance pursuant to this section.\(^1\)\(^2\)

This section shall not apply to any member who has retired and subsequently returned to employment pursuant to Executive Order No. 115 of 2020 or any other executive order similarly permitting a retired member to return to employment without reenrollment to assist during \(^1\)[a] the\(^1\) public health emergency \(^1\)[or] and\(^1\) state of emergency.

\(^2\)New onset diseases and chronic psychological disease resulting from prior exposure to, and recovery from, COVID-19 shall not be deemed a permanent and total disability resulting from COVID-19.\(^2\)

4. As used in this section, “law enforcement officer” includes, but shall not be limited to, sheriff’s officers and corrections officers.

For purposes of paragraph (1) of subsection a. of section 49 of P.L.1954, c.84 (C.43:15A-49), a member who is a law enforcement officer, firefighter, or emergency medical responder and whose death is attributable to \(^1\)[an infectious disease] COVID-19\(^1\); complications therefrom, or the aggravation or acceleration of a preexisting condition caused thereby shall be deemed to have occurred as the result of an accident met in the actual performance of duty at some definite time and place if:

the law enforcement officer, firefighter, or emergency medical responder contracted \(^1\)[an infectious disease] COVID-19\(^1\); and the member’s death occurs after receiving a positive test result for SARS-CoV-2\(^2\) during \(^1\)[the period of] \(^1\)[a] the\(^1\) public health emergency \(^1\)[or] \(^2\)and\(^1\) state of emergency\(^1\) in the State\(^2\) declared \(^1\)[because of that disease] by the Governor \(^1\)[beginning March 9, 2020 but prior to the termination date of either the public health emergency or the state of emergency, whichever occurs later\(^1\)] in Executive Order No. 103 of 2020 and as extended;\(^2\)

the law enforcement officer, firefighter, or emergency medical responder dies as a result of \(^2\)[the disease] COVID-19\(^2\); and

the law enforcement officer, firefighter, or emergency medical responder’s regular or assigned duties required the law enforcement officer, firefighter, or emergency medical responder to interact, and the law enforcement officer, firefighter, or emergency medical responder so interacted, with the public \(^1\)[or to directly supervise other personnel so interacting with the public\(^1\) on any date \(^2\)[after the declaration of] during\(^2\) the public health emergency \(^1\)[or] \(^2\)and\(^1\) state of emergency and\(^1\) in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended and\(^2\) within \(^1\)[two weeks] \(^1\)4 calendar days\(^1\) prior to the appearance of symptoms \(^2\)[consistent with COVID-19\(^2\) that shall have been confirmed \(^1\)[in writing\(^1\) by a \(^1\)[physician] licensed health care
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1 provider on a form approved by the board of trustees and also
2 confirmed by a positive test result for SARS-CoV-2.

3 The filing of an accident report with the Public Employees’
4 Retirement System shall not be required for an accidental death
5 benefit allowed pursuant to this section.

6 If an application of a beneficiary a member dies during the
7 public health emergency in the State declared by the Governor in
8 Executive Order No. 103 of 2020 and as extended and the benefit
9 has been approved pursuant to a provision other than this section or
10 section 49 of P.L.1954, c.84 (C.43:15A-49) prior to the effective
11 date of this act, P.L., c. (pending before the Legislature as this
12 bill), a beneficiary may apply for a benefit pursuant to this section
13 and, if approved, the prior approval shall be rescinded and the
14 benefit pursuant to approval under this section shall be made
15 retroactive to the date of the rescinded initial approval.

16 This section shall also apply to a law enforcement officer,
17 firefighter, or emergency medical responder who was performing
18 regular or assigned duties but not yet enrolled in the Public
19 Employees’ Retirement System when the beneficiary would
20 otherwise be eligible for a benefit pursuant to this section.

21 This section shall not apply to any member who has retired and
22 subsequently returned to employment pursuant to Executive Order
23 No. 115 of 2020 or any other executive order similarly permitting a
24 retired member to return to employment without reenrollment to
25 assist during a public health emergency or state of
26 emergency.

27 For purposes of subsection a. of section 10 of P.L.1965,
28 c.89 (C.53:5A-10), permanent and total disability shall be deemed
29 to have occurred as a direct result of a traumatic event occurring
30 during and as a result of the performance of regular or assigned
31 duties if:

32 the member contracts COVID-19 and tests
33 positive for SARS-CoV-2 during the public
34 health emergency and state of emergency declared
35 by the Governor beginning March 9, 2020 but prior to the
36 termination date of either the public health emergency or the state
37 of emergency, whichever occurs later in Executive Order No. 103
38 of 2020 and as extended;

39 the member is permanently and totally disabled as a result of
40 COVID-19 and

41 the member’s regular or assigned duties required the member to
42 interact, and the member so interacted, with the public or to directly
43 supervise other personnel so interacting with the public on any date
44 after the declaration of the public health emergency
45 and state of emergency declared by the
46 Governor in Executive Order No. 103 of 2020 and as extended and
47
within 14 calendar days prior to the appearance of symptoms consistent with COVID-19 that shall have been confirmed in writing by a licensed health care provider on a form approved by the board of trustees and also confirmed by a positive test result for SARS-CoV-2.

A member who retired during the public health emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended and has been approved for a retirement allowance pursuant to a provision other than this section or section 10 of P.L.1965, c.89 (C.53:5A-10) prior to the effective date of this act, P.L. (pending before the Legislature as this bill), may apply for a retirement allowance pursuant to this section and, if approved, the prior approval shall be rescinded and the retirement allowance pursuant to approval under this section shall be made retroactive to the date of the initial approval of the rescinded retirement allowance.

This section shall also apply to a member who was performing regular or assigned duties but not yet enrolled in the State Police Retirement System who would otherwise be eligible for an allowance pursuant to this section.

This section shall not apply to any member who has retired and subsequently returned to employment pursuant to Executive Order No. 115 of 2020 or any other executive order similarly permitting a retired member to return to employment without reenrollment during the public health emergency and state of emergency.

New onset diseases and chronic psychological disease resulting from prior exposure to, and recovery from, COVID-19 shall not be deemed a permanent and total disability resulting from COVID-19.

6. For purposes of subsection a. of section 14 of P.L.1965, c.89 (C.53:5A-14), a member whose death is attributable to COVID-19, complications therefrom, or the aggravation or acceleration of a preexisting condition caused thereby shall be deemed to have occurred as the result of an accident met in the actual performance of duty at some definite time and place if:

the member contracted COVID-19 and the member’s death occurs after receiving a positive test result for SARS-CoV-2 during the period of the public health emergency and state of emergency declared by the Governor beginning March 9, 2020 but prior to the termination date of either the public health emergency or the state of emergency, whichever occurs later in Executive Order No. 103 of 2020 and as extended;

the member dies as a result of the disease COVID-19; and

the member’s regular or assigned duties required the member to interact, and the member so interacted, with the public or to directly supervise other personnel so interacting with the public on any date after the declaration of the public health emergency.
and state of emergency in this State declared by the Governor in Executive Order No. 103 of 2020 and as extended within 14 calendar days prior to the appearance of symptoms consistent with COVID-19 that shall have been confirmed in writing by a licensed health care provider on a form approved by the board of trustees and also confirmed by a positive test result for SARS-CoV-2.

The filing of an accident report with the State Police Retirement System shall not be required for an accidental death benefit allowed pursuant to this section.

If a member dies during the public health emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended and the benefit has been approved pursuant to a provision other than this section or section 14 of P.L.1965, c.89 (C.53:5A-14) prior to the effective date of this act, P.L. (pending before the Legislature as this bill), a beneficiary may apply for a benefit pursuant to this section and, if approved, the prior approval shall be rescinded and the benefit pursuant to approval under this section shall be made retroactive to the date of the initial approval of the rescinded benefit.

This section shall also apply to a member who was performing regular or assigned duties but not yet enrolled in the State Police Retirement System when the beneficiary would otherwise be eligible for a benefit pursuant to this section.

This section shall not apply to any member who has retired and subsequently returned to employment pursuant to Executive Order No. 115 of 2020 or any other executive order similarly permitting a retired member to return to employment without reenrollment to assist during the public health emergency and state of emergency.

The Division of Pension and Benefits in the Department of the Treasury, and the board of trustees in the case of the Police and Firemen’s Retirement System, shall notify all members of the Police and Firemen’s Retirement System, all law enforcement officer, firefighter and emergency medical responder members of the Public Employees’ Retirement System, and all members of the State Police Retirement System who are enrolled in those respective retirement systems on the effective date of this act, P.L. (pending before the Legislature as this bill), of the provisions of this act. The division, and the board of trustees in the case of the Police and Firemen’s Retirement System, shall also notify all members who retired on or after March 9, 2020 and all beneficiaries of members who died on or after March 9, 2020 of the provisions of this act.

The division, and the board of trustees in the case of the Police and Firemen’s Retirement System, shall provide the required notice within 30 days after the effective date of this act.
8. Notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the board of trustees for the Police and Firemen’s Retirement System, for the Public Employees’ Retirement System and for the State Police Retirement System, during the 90-day period following the effective date of this act, P.L. ________, c. ________, (pending before the Legislature as this bill), may adopt, amend, or repeal any rule or regulation on an emergency basis for a period not to exceed 180 days for the purpose of the expeditious and effective implementation of the provisions of this act. Any emergency rule or regulation authorized by this section shall be subject to such terms and conditions as a board of trustees may deem appropriate. Such emergency rules or regulations shall be effective when published by the board on the website of the Department of the Treasury², and on the website of the board of trustees in the case of the Police and Firemen’s Retirement System². Notice of any emergency rule or regulation pursuant to this section shall be published in the New Jersey Register not later than 30 days subsequent to the implementation of the emergency rules or regulations.¹

¹[5.] ⁹¹ This act shall take effect immediately and shall be retroactive to January 1, 2020[March 9, 2020].

Extends eligibility for accidental disability and accidental death benefits to certain PFRS, SPRS, and PERS members who contract COVID-19 and test positive for SARS-CoV-2.