

CHAPTER 147

LABOR AND INDUSTRY

SENATE BILL 02-006

BY SENATOR(S) Hanna, Chlouber, Epps, Fitz-Gerald, Gordon, Hagedorn, Hernandez, Isgar, Linkhart, Matsunaka, Pascoe, Perlmutter, Phillips, Reeves, Tate, Thiebaut, and Windels;
also REPRESENTATIVE(S) Witwer, Borodkin, Boyd, Cloer, Coleman, Daniel, Decker, Garcia, Groff, Jahn, Jameson, Kester, King, Lawrence, Lee, Mace, Madden, Miller, Mitchell, Plant, Romanoff, Sanchez, Stafford, Tapia, Tochtrop, and Williams S.

AN ACT**CONCERNING WORKERS' COMPENSATION COVERAGE FOR PUBLIC SAFETY PERSONNEL EXPOSED TO HEPATITIS C.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 2 of article 41 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

8-41-208. Coverage for job-related exposure to or contraction of hepatitis C. (1) THE EXPOSURE TO OR CONTRACTION OF HEPATITIS C BY A FIREFIGHTER, EMERGENCY SERVICES PROVIDER, OR PEACE OFFICER, AS DEFINED IN SECTION 18-1-901 (3) (1), C.R.S., SHALL BE PRESUMED TO BE WITHIN THE COURSE AND SCOPE OF EMPLOYMENT IF THE FOLLOWING CONDITIONS ARE SATISFIED:

- (a) A BASELINE TEST SHALL BE PROVIDED BY THE EMPLOYER, OR IF INSURED, BY THE INSURER, TO BE PERFORMED WITHIN FIVE DAYS AFTER THE EMPLOYEE REPORTS THE ON-THE-JOB EXPOSURE. THE EMPLOYEE MUST REPORT THE EXPOSURE WITHIN TWO DAYS AFTER THE EMPLOYEE KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE EXPOSURE;
- (b) THE BASELINE TEST ESTABLISHES THAT THE EMPLOYEE WAS NOT INFECTED WITH HEPATITIS C AT THE TIME OF THE ON-THE-JOB EXPOSURE;
- (c) THE EMPLOYEE COMPLIES WITH REASONABLE AND NECESSARY MEDICAL PROCEDURES SET FORTH IN SECTION 8-42-101 (1) (c);
- (d) THE EMPLOYEE IS DETERMINED TO HAVE HEPATITIS C WITHIN TWENTY-FOUR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

MONTHS AFTER THE ON-THE-JOB EXPOSURE TO THE KNOWN OR POSSIBLE SOURCE.

(2) THE EXPOSURE TO OR CONTRACTION OF HEPATITIS C BY A FIREFIGHTER, EMERGENCY SERVICES PROVIDER, OR PEACE OFFICER, AS DEFINED IN SECTION 18-1-901 (3) (1), C.R.S., SHALL NOT BE DEEMED TO BE WITHIN THE COURSE AND SCOPE OF EMPLOYMENT IF AN EMPLOYER OR INSURER SHOWS BY A PREPONDERANCE OF THE EVIDENCE THAT SUCH EXPOSURE OR CONTRACTION DID NOT OCCUR ON THE JOB.

SECTION 2. 8-42-101 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8-42-101. Employer must furnish medical aid - approval of plan - fee schedule - contracting for treatment - no recovery from employee - medical treatment guidelines - accreditation of physicians - repeal. (1) (c) IN ANY CASE IN WHICH A FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER, OR PEACE OFFICER, AS DEFINED IN SECTION 18-1-901 (3) (1), C.R.S., IS EXPOSED DURING THE COURSE AND WITHIN THE SCOPE OF EMPLOYMENT TO A KNOWN OR POSSIBLE SOURCE OF HEPATITIS C, THE EMPLOYER, OR IF INSURED, THE INSURER, SHALL, AT THEIR EXPENSE, PROVIDE FOR BASELINE TESTING WITHIN THE PERIOD OF TIME SPECIFIED IN SECTION 8-41-208 (1) (a) TO DETERMINE WHETHER THE EMPLOYEE WAS FREE OF HEPATITIS C AT THE TIME OF THE ON-THE-JOB EXPOSURE. THE EMPLOYER, OR IF INSURED, THE INSURER, SHALL PAY FOR ALL REASONABLE AND NECESSARY MEDICAL PROCEDURES AND TREATMENT FOR EXPOSURE TO HEPATITIS C DURING THE PERIOD OF TIME SET FORTH IN SECTION 8-41-208 (1) (d).

SECTION 3. Effective date - applicability. This act shall take effect upon passage and shall apply to claims for workers' compensation arising on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 16, 2002