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CHAPTER 54

(CORRECTED COPY)

An Act concerning eligibility for accidental disability and accidental death benefits for certain members of the Police and Firemen's Retirement System, the Public Employees' Retirement System, and the State Police Retirement System who contract COVID-19 and test positive for SARS-CoV-2 and supplementing P.L.1944, c.255 (C.43:16A-1 et seq.), P.L.1954, c.84 (C.43:15A-1 et seq.), and P.L.1965, c.89 (C.53:5A-1 et seq.).

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

C.43:16A-7.4 Permanent and total disability.

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 COVID-19 and tests positive for SARS-CoV-2 during the public health emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended;

the member is permanently and totally disabled as a result of 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 during the public health emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended and 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 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, P.L.2020, c.54, may apply for a retirement allowance pursuant to this section and, if approved, the prior approval shall be rescinded and the retirement allowance pursuant to approval under this section shall be made retroactive to the date of the initial approval of the rescinded retirement allowance.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 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.

C.43:16A-10.3 Attribution of death to 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 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 public health emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended;

the member dies as a result of 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 during the public health emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended and 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 Police and Firemen's 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 on 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 10 of P.L.1944, c.255 (C.43:16A-10) prior to the effective date of this act, P.L.2020, c.54, 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 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.

C.43:15A-43.1 "Law enforcement officer."

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 a 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 COVID-19 and tests positive for SARS-CoV-2 during the public health emergency in the State declared by the Governor 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 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 during the public health emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended and 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 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.2020, c.54, 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 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.

C.43:15A-49.1 "Law enforcement officer."

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 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 law enforcement officer, firefighter, or emergency medical responder contracted COVID-19 and the member's death occurs after receiving a positive test result for SARS-CoV-2 during the public health emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended;

the law enforcement officer, firefighter, or emergency medical responder dies as a result of 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 during the public health emergency in the State declared by the Governor in Executive Order No. 103 of 2020 and as extended and 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 Public Employees' 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 49 of P.L.1954, c.84 (C.43:15A-49) prior to the effective date of this act, P.L.2020, c.54, 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 rescinded initial approval.

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.

C.53:5A-10.1 Permanent and total disability.

5. For purposes of subsection a. of section 10 of P.L.1965, c.89 (C.53:5A-10), 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 COVID-19 and tests positive for SARS-CoV-2 during the public health emergency in this State declared by the Governor in Executive Order No. 103 of 2020 and as extended;

the member is permanently and totally disabled as a result of 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 during the public health emergency in this State declared by the Governor in Executive Order No. 103 of 2020 and as extended and 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.2020, c.54, 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 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.

C.53:5A-14.4 Death attributed to 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 public health emergency in this State declared by the Governor in Executive Order No. 103 of 2020 and as extended;

the member dies as a result of 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 during the public health emergency in this State declared by the Governor in Executive Order No. 103 of 2020 and as extended and 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.2020, c.54, 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 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.

7. 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.2020, c.54, 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.2020, c.54, 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 Treasury, and on the website of the board of trustees in the case of the Police and Firemen's Retirement System. 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.

9. This act shall take effect immediately and shall be retroactive to March 9, 2020.

Approved July 1, 2020.

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