

## 2006 SESSION

LEGISLATION NOT PREPARED BY DLS  
INTRODUCED

069859510

### HOUSE BILL NO. 1585

Offered January 20, 2006

A *BILL to amend and reenact § 65.2-104 of the Code of Virginia, relating to coverage of first responders in off-duty capacity during state of emergency.*

Patron—Sickles

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That §65.2-104 of the Code of Virginia is amended and reenacted as follows:**

§ 65.2-104. Coverage of first responders in off-duty capacity during state of emergency.

A. Notwithstanding any other provision of law, if the Governor declares a state of emergency pursuant to the provisions of Chapter 3.2 (§ 44-146.13 et seq.) of Title 44, or any local director of emergency management with the consent of the appropriate local governing body declares an emergency pursuant to § 44-146.16, attributable to an enemy attack, sabotage or other hostile action, resource shortage, or fire, flood, earthquake or other natural cause, a claim for workers' compensation benefits shall be deemed to be in the course of employment of any first responder who, in response to a lawful order issued pursuant to the state of emergency, travels by the most expeditious route to or from his home or other location outside an assigned shift or work location to or from that shift or work location. Nothing in this section shall prohibit an employer from using any defense otherwise available under this title.

B. For purposes of this section, "first responder" shall include any person referenced in subdivision 1 of the definition of "employee" in § 65.2-101 who provides emergency services, during the period that the states of emergency defined in subsection A are in effect.

C. *The duty to furnish medical attention, pursuant to § 65.2-603, Code of Virginia (1950), as amended, shall not be subject to the furnishing of a panel of at least three physicians selected by the employer for the receipt of medical attention. During the declared state of emergency, the employee shall be taken forthwith to any available health care facility and be furnished prompt and competent medical treatment at the expense of the employer, subject to any other defenses under the Workers' Compensation Act.*

D. *If a first responder becomes ill due to an exposure to radioactive, chemical or biologic agent and, thereafter, transmits the illness to an immediate family member residing in the immediate household, such family member shall be eligible for medical benefits pursuant to §65.2-60, Code of Virginia (1950), as amended, from the employer furnishing medical treatment to the affected first responder, subject to any other defenses under the Workers' Compensation Act. The Workers' Compensation Commission shall designate all such first reports of injury and awards with the suffix "ES".*

INTRODUCED

HB1585