

[First Reprint]

**ASSEMBLY, No. 5381**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED MARCH 6, 2025

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**District 22 (Somerset and Union)**

**Assemblyman REGINALD W. ATKINS**

**District 20 (Union)**

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**District 34 (Essex)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

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**Assemblymen Scharfenberger, Karabinchak, DeAngelo, Assemblywomen Flynn, Matsikoudis, Fantasia, Ramirez, Assemblyman Inganamort, Assemblywomen McCoy, Murphy, Speight, Assemblyman Freiman, Assemblywomen Peterpaul, Donlon, Drulis, Lopez, Senators A.M.Bucco, McKnight, O'Scanlon and Amato**

**SYNOPSIS**

Provides medical documentation requirement for certain members of PERS, PFRS, and SPRS to receive accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations; removes filing deadline.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on June 19, 2025, with amendments.

(Sponsorship Updated As Of: 6/30/2025)

1   **AN ACT** concerning the accidental disability retirement allowance  
2       for certain members of the Public Employees' Retirement  
3       System, the Police and Firemen's Retirement System, and the  
4       State Police Retirement System, and amending P.L.1954, c.84,  
5       P.L.1944, c.255, and P.L.1965, c.89.

6  
7       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
8       *of New Jersey:*

9  
10      1. Section 43 of P.L.1954, c.84 (C.43:15A-43) is amended to  
11      read as follows:

12      43. a. A member who has not attained age 65 shall, upon the  
13      application of the head of the department in which he is employed  
14      or upon his own application or the application of one acting in his  
15      behalf, be retired by the board of trustees, if said employee is  
16      permanently and totally disabled as a direct result of a traumatic  
17      event occurring during and as a result of the performance of his  
18      regular or assigned duties, on an accidental disability allowance. A  
19      traumatic event occurring during voluntary performance of regular  
20      or assigned duties at a place of employment before or after required  
21      hours of employment which is not in violation of any valid work  
22      rule of the employer or otherwise prohibited by the employer shall  
23      be deemed as occurring during the performance of regular or  
24      assigned duties.

25      The application to accomplish such retirement must be filed  
26      within five years of the original traumatic event, but the board of  
27      trustees may consider an application filed after the five-year period  
28      if it can be factually demonstrated to the satisfaction of the board of  
29      trustees that the disability is due to the accident and the filing was  
30      not accomplished within the five-year period due to a delayed  
31      manifestation of the disability or to circumstances beyond the  
32      control of the member.

33      Permanent and total disability resulting from a cardiovascular,  
34      pulmonary or musculo-skeletal condition which was not a direct  
35      result of a traumatic event occurring in the performance of duty  
36      shall be deemed an ordinary disability.

37      Before consideration of the application by the board of trustees,  
38      the physician or physicians designated by the board shall have first  
39      made a medical examination of the member at his residence or at  
40      any other place mutually agreed upon and shall have certified to the  
41      board that he is physically or mentally incapacitated for the  
42      performance of duty, and should be retired, and the appointing  
43      authority shall have certified to the board that the member is  
44      permanently and totally disabled as a direct result of a traumatic  
45      event occurring during and as a result of the performance of his

**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.

      Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted June 19, 2025.

1 regular or assigned duties, the time and place where the duty  
2 causing the disability was performed, that the disability was not the  
3 result of his willful negligence and that the member should be  
4 retired.

5 No person who becomes a member of the retirement system on  
6 or after the effective date of P.L.2010, c.3 shall be eligible for  
7 retirement pursuant to this section.

8 b. (1) For purposes of this subsection:

9 "Qualifying condition or impairment of health" includes:

10 diseases of the upper respiratory tract and mucosae, including  
11 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,  
12 laryngitis, vocal cord disease, upper airway hyper-reactivity and  
13 tracheo-bronchitis, or a combination of such conditions;

14 diseases of the lower respiratory tract, including but not limited  
15 to bronchitis, asthma, reactive airway dysfunction syndrome, and  
16 different types of pneumonitis, such as hypersensitivity,  
17 granulomatous, or eosinophilic;

18 diseases of the gastroesophageal tract, including esophagitis and  
19 reflux disease, either acute or chronic, caused by exposure or  
20 aggravated by exposure;

21 diseases of the psychological axis, including post-traumatic  
22 stress disorder, anxiety, depression, or any combination of such  
23 conditions;

24 diseases of the skin such as contact dermatitis or burns, either  
25 acute or chronic in nature, infectious, irritant, allergic, idiopathic or  
26 non-specific reactive in nature, caused by exposure or aggravated  
27 by exposure; and

28 new onset diseases resulting from exposure as such diseases  
29 occurring in the future including cancer, chronic obstructive  
30 pulmonary disease, asbestos-related disease, heavy metal poisoning,  
31 musculoskeletal disease and chronic psychological disease.

32 "World Trade Center rescue, recovery, or cleanup operations"  
33 means the rescue, recovery, or cleanup operations at the World  
34 Trade Center site between September 11, 2001 and October 11,  
35 2001.

36 "World Trade Center site" means any location below a line  
37 starting from the Hudson River and Canal Street, east on Canal  
38 Street to Pike Street, south on Pike Street to the East River, and  
39 extending to the lower tip of Manhattan.

40 (2) Notwithstanding any provision of subsection a. of this  
41 section or any other law to the contrary, for a member who  
42 participated, whether or not under orders or instruction by an  
43 employer to so participate, in World Trade Center rescue, recovery,  
44 or cleanup operations for a minimum of eight hours, permanent and  
45 total disability resulting from a qualifying condition or impairment  
46 of health shall be presumed to have occurred during and as a result  
47 of the performance of the member's regular or assigned duties and

1 not the result of the member's willful negligence, unless the  
2 contrary can be proved by competent evidence.

3 A member who did not participate in such operations for a  
4 minimum of eight hours shall be eligible for the presumption  
5 provided that:

6 the member participated in the rescue, recovery, or cleanup  
7 operations at the World Trade Center site between September 11,  
8 2001 and September 12, 2001;

9 the member sustained a documented physical injury at the World  
10 Trade Center site between September 11, 2001 and September 12,  
11 2001 that is a qualifying condition or impairment of health resulting  
12 in a disability to the member that prevented the member from  
13 continuing to participate in World Trade Center rescue, recovery, or  
14 cleanup operations for a minimum of eight hours; and

15 the documented physical injury that resulted in a disability to the  
16 member that prevented the member from continuing to participate  
17 in World Trade Center rescue, recovery, or cleanup operations for a  
18 minimum of eight hours is the qualifying condition or impairment  
19 of health for which the member seeks a presumption under this  
20 subsection.

21 In order to be eligible for the presumption provided under this  
22 subsection, a member shall have successfully passed a physical  
23 examination for entry into public service, or shall present such  
24 sufficient evidence of one or more medical examinations or results  
25 performed within a reasonable period of time before or after entry  
26 into public service, which failed to disclose evidence of the  
27 qualifying condition or impairment of health that formed the basis  
28 for the permanent and total disability.

29 (3) A member who participated in the World Trade Center  
30 rescue, recovery, or cleanup operations for a minimum of eight  
31 hours and subsequently retired on a service retirement, special  
32 retirement, accidental disability retirement, or an ordinary disability  
33 retirement and thereafter incurred a disability caused by a  
34 qualifying condition or impairment of health which the medical  
35 board determines to be caused by participation in World Trade  
36 Center rescue, recovery, or cleanup operations shall be eligible to  
37 apply to the board of trustees to have the retiree's retirement  
38 allowance recalculated as an accidental disability retirement  
39 allowance for benefit payments on or after the date of the  
40 application, provided the retiree filed an application for such  
41 recalculation within **[30]** 180 days of the date that the retiree knew  
42 or should have known of the existence of such disability and its  
43 relation to the rescue, recovery, or cleanup operations. In order to  
44 be eligible for such recalculation, the retiree shall have successfully  
45 passed a physical examination for entry into public service, or shall  
46 present such sufficient evidence of one or more medical  
47 examinations or results performed within a reasonable period of  
48 time before or after entry into public service, which failed to

1 disclose evidence of the qualifying condition or impairment of  
2 health that formed the basis for the disability.

3 If a retiree previously filed an eligibility registration form with  
4 the Public Employees' Retirement System and the retiree was  
5 denied because the retiree did not file within the required  
6 registration period <sup>1</sup>in effect prior to the effective date of P.L. , c.  
7 (pending before the Legislature as this bill)<sup>1</sup>, the retiree shall be  
8 permitted to petition the board of trustees for reconsideration <sup>1</sup>[or  
9 shall be permitted to resubmit the previously submitted eligibility  
10 registration form to the board for the presumption or recalculation  
11 granted under P.L. , c. (pending before the Legislature as this  
12 bill)]<sup>1</sup>.

13 (4) The board of trustees <sup>1</sup>[shall] may<sup>1</sup> promulgate rules and  
14 regulations <sup>1</sup>that the board determines are<sup>1</sup> necessary to implement  
15 the provisions of this subsection <sup>1</sup>[and shall notify all members and  
16 retirants in the retirement system of the enactment of]<sup>1</sup> [this act,]  
17 <sup>1</sup>[P.L.2019, c.157, and the enactment of P.L. , c. (pending  
18 before the Legislature as this bill), within]<sup>1</sup> [30] <sup>1</sup>[60 days of  
19 enactment. The board shall notify all members and retirants  
20 enrolled in the retirement system by letter sent via certified mail  
21 and shall be required to communicate, in an easily understood  
22 manner, the provisions of P.L. , c. (pending before the  
23 Legislature as this bill), including the class of members and retirees  
24 impacted, the filing requirements, and the prescribed time limits]<sup>1</sup>.

25 A member or retiree shall not be eligible for the presumption or  
26 recalculation under this subsection unless <sup>1</sup>[within two years of the  
27 effective date of]<sup>1</sup> [this act,] <sup>1</sup>[P.L.2019, c.157, or within two  
28 years after the effective date of P.L. , c. (pending before the  
29 Legislature as this bill),]<sup>1</sup> the member or retiree files a written and  
30 sworn statement with the retirement system on a form provided by  
31 the board of trustees thereof indicating the dates and locations of  
32 service. <sup>1</sup>[The board of trustees may approve filing extensions in  
33 two-year increments thereafter.]<sup>1</sup>

34 (5) This subsection shall apply only to: any member or retiree  
35 who is or was enrolled in the Public Employees' Retirement System  
36 because the member or retiree did not meet the age or medical  
37 requirements for enrollment in the Police and Firemen's Retirement  
38 System on the basis of the position held; and to any emergency  
39 medical technician who is a member or retiree of the Public  
40 Employees' Retirement System. For the purposes of this paragraph,  
41 "emergency medical technician" means a person trained in basic life  
42 support services as defined in section 1 of P.L.1985, c.351  
43 (C.26:2K-21) and who is certified by the Department of Health to  
44 perform these services.

45 (6) This subsection shall apply regardless of whether the  
46 member or retiree, who is otherwise eligible, was enrolled in the

1 retirement system at the time of participation in World Trade Center  
2 rescue, recovery, or cleanup operations as specified herein.

3 (cf: P.L.2019, c.157, s.4)

4  
5 2. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to read  
6 as follows:

7 7. a. (1) Upon the written application by a member in service, by  
8 one acting in his behalf or by his employer any member may be  
9 retired on an accidental disability retirement allowance; provided,  
10 that the medical board, after a medical examination of such  
11 member, shall certify that the member is permanently and totally  
12 disabled as a direct result of a traumatic event occurring during and  
13 as a result of the performance of his regular or assigned duties and  
14 that such disability was not the result of the member's willful  
15 negligence and that such member is mentally or physically  
16 incapacitated for the performance of his usual duty and of any other  
17 available duty in the department which his employer is willing to  
18 assign to him. The application to accomplish such retirement must  
19 be filed within five years of the original traumatic event, but the  
20 board of trustees may consider an application filed after the five-  
21 year period if it can be factually demonstrated to the satisfaction of  
22 the board of trustees that the disability is due to the accident and the  
23 filing was not accomplished within the five-year period due to a  
24 delayed manifestation of the disability or to other circumstances  
25 beyond the control of the member.

26 (2) Upon retirement for accidental disability, a member shall  
27 receive an accidental disability retirement allowance which shall  
28 consist of:

29 (a) An annuity which shall be the actuarial equivalent of his  
30 aggregate contributions and

31 (b) A pension in the amount which, when added to the member's  
32 annuity, will provide a total retirement allowance of  $\frac{2}{3}$  of the  
33 member's actual annual compensation for which contributions were  
34 being made at the time of the occurrence of the accident or at the  
35 time of the member's retirement, whichever provides the largest  
36 possible benefit to the member.

37 (3) Upon receipt of proper proofs of the death of a member who  
38 has retired on accidental disability retirement allowance, there shall  
39 be paid to such member's beneficiary, an amount equal to  $3\frac{1}{2}$   
40 times the compensation upon which contributions by the member to  
41 the annuity savings fund were based in the last year of creditable  
42 service; provided, however, that if such death shall occur after the  
43 member shall have attained 55 years of age the amount payable  
44 shall equal  $\frac{1}{2}$  of such compensation instead of  $3\frac{1}{2}$  times such  
45 compensation.

46 (4) Permanent and total disability resulting from a  
47 cardiovascular, pulmonary or musculoskeletal condition which was

1 not a direct result of a traumatic event occurring in the performance  
2 of duty shall be deemed an ordinary disability.

3 b. (1) For purposes of this subsection:

4 "Qualifying condition or impairment of health" includes:

5 diseases of the upper respiratory tract and mucosae, including  
6 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,  
7 laryngitis, vocal cord disease, upper airway hyper-reactivity and  
8 tracheo-bronchitis, or a combination of such conditions;

9 diseases of the lower respiratory tract, including but not limited  
10 to bronchitis, asthma, reactive airway dysfunction syndrome, and  
11 different types of pneumonitis, such as hypersensitivity,  
12 granulomatous, or eosinophilic;

13 diseases of the gastroesophageal tract, including esophagitis and  
14 reflux disease, either acute or chronic, caused by exposure or  
15 aggravated by exposure;

16 diseases of the psychological axis, including post-traumatic  
17 stress disorder, anxiety, depression, or any combination of such  
18 conditions;

19 diseases of the skin such as contact dermatitis or burns, either  
20 acute or chronic in nature, infectious, irritant, allergic, idiopathic or  
21 non-specific reactive in nature, caused by exposure or aggravated  
22 by exposure; and

23 new onset diseases resulting from exposure as such diseases  
24 occurring in the future including cancer, chronic obstructive  
25 pulmonary disease, asbestos-related disease, heavy metal poisoning,  
26 musculoskeletal disease and chronic psychological disease.

27 "World Trade Center rescue, recovery, or cleanup operations"  
28 means the rescue, recovery, or cleanup operations at the World  
29 Trade Center site between September 11, 2001 and October 11,  
30 2001.

31 "World Trade Center site" means any location below a line  
32 starting from the Hudson River and Canal Street, east on Canal  
33 Street to Pike Street, south on Pike Street to the East River, and  
34 extending to the lower tip of Manhattan.

35 (2) Notwithstanding any provision of subsection a. of this  
36 section or any other law to the contrary, for a member who  
37 participated, whether or not under orders or instruction by an  
38 employer to so participate, in World Trade Center rescue, recovery,  
39 or cleanup operations for a minimum of eight hours, permanent and  
40 total disability resulting from a qualifying condition or impairment  
41 of health shall be presumed to have occurred during and as a result  
42 of the performance of the member's regular or assigned duties and  
43 not the result of the member's willful negligence, unless the  
44 contrary can be proved by competent evidence.

45 A member who did not participate in such operations for a  
46 minimum of eight hours shall be eligible for the presumption  
47 provided that:

1 the member participated in the rescue, recovery, or cleanup  
2 operations at the World Trade Center site between September 11,  
3 2001 and September 12, 2001;

4 the member sustained a documented physical injury at the World  
5 Trade Center site between September 11, 2001 and September 12,  
6 2001 that is a qualifying condition or impairment of health resulting  
7 in a disability to the member that prevented the member from  
8 continuing to participate in World Trade Center rescue, recovery, or  
9 cleanup operations for a minimum of eight hours; and

10 the documented physical injury that resulted in a disability to the  
11 member that prevented the member from continuing to participate  
12 in World Trade Center rescue, recovery, or cleanup operations for a  
13 minimum of eight hours is the qualifying condition or impairment  
14 of health for which the member seeks a presumption under this  
15 subsection.

16 In order to be eligible for the presumption provided under this  
17 subsection, a member shall have successfully passed a physical  
18 examination for entry into public service, or shall present such  
19 sufficient evidence of one or more medical examinations or results  
20 performed within a reasonable period of time before or after entry  
21 into public service, which failed to disclose evidence of the  
22 qualifying condition or impairment of health that formed the basis  
23 for the permanent and total disability.

24 (3) A member who participated in the World Trade Center  
25 rescue, recovery, or cleanup operations for a minimum of eight  
26 hours and subsequently retired on a service retirement, special  
27 retirement, accidental disability retirement, or an ordinary disability  
28 retirement and thereafter incurred a disability caused by a  
29 qualifying condition or impairment of health which the medical  
30 board determines to be caused by participation in World Trade  
31 Center rescue, recovery, or cleanup operations shall be eligible to  
32 apply to the board of trustees to have the retiree's retirement  
33 allowance recalculated as an accidental disability retirement  
34 allowance for benefit payments on or after the date of the  
35 application, provided the retiree filed an application for such  
36 recalculation within ~~30~~ 180 days of the date that the retiree knew  
37 or should have known of the existence of such disability and its  
38 relation to the rescue, recovery, or cleanup operations. In order to  
39 be eligible for such recalculation, the retiree shall have successfully  
40 passed a physical examination for entry into public service, or shall  
41 present such sufficient evidence of one or more medical  
42 examinations or results performed within a reasonable period of  
43 time before or after entry into public service, which failed to  
44 disclose evidence of the qualifying condition or impairment of  
45 health that formed the basis for the disability.

46 If a retiree previously filed an eligibility registration form with  
47 the Police and Firemen's Retirement System and the retiree was  
48 denied because the retiree did not file within the required



1 registration period <sup>1</sup>in effect prior to the effective date of P.L. , c.  
 2 (pending before the Legislature as this bill)<sup>1</sup>, the retiree shall be  
 3 permitted to petition the board of trustees for reconsideration <sup>1</sup>[or  
 4 shall be permitted to resubmit the previously submitted eligibility  
 5 registration form to the board for the presumption or recalculation  
 6 granted under P.L. , c. (pending before the Legislature as this  
 7 bill)]<sup>1</sup>.

8 (4) The board of trustees <sup>1</sup>[shall] may<sup>1</sup> promulgate rules and  
 9 regulations <sup>1</sup>that the board determines are<sup>1</sup> necessary to implement  
 10 the provisions of this subsection <sup>1</sup>[and shall notify all members and  
 11 retirants in the retirement system of the enactment of]<sup>1</sup> [this act,]  
 12 <sup>1</sup>[P.L.2019, c.157 and the enactment of P.L. , c. (pending before  
 13 the Legislature as this bill), within]<sup>1</sup> [30] <sup>1</sup>[60 days of enactment.  
 14 The board shall notify all members and retirants enrolled in the  
 15 retirement system by letter sent via certified mail and shall be  
 16 required to communicate, in an easily understood manner, the  
 17 provisions of P.L. , c. (pending before the Legislature as this  
 18 bill), including the class of members and retirees impacted, the  
 19 filing requirements, and the prescribed time limits]<sup>1</sup>.

20 A member or retiree shall not be eligible for the presumption or  
 21 recalculation under this subsection unless <sup>1</sup>[within two years of the  
 22 effective date of]<sup>1</sup> [this act,] <sup>1</sup>[P.L.2019, c.157, or within two  
 23 years after the effective date of P.L. , c. (pending before the  
 24 Legislature as this bill),]<sup>1</sup> the member or retiree files a written and  
 25 sworn statement with the retirement system on a form provided by  
 26 the board of trustees thereof indicating the dates and locations of  
 27 service. <sup>1</sup>[The board of trustees may approve filing extensions in  
 28 two-year increments thereafter.]<sup>1</sup>

29 (5) This subsection shall apply regardless of whether the  
 30 member or retiree, who is otherwise eligible, was enrolled in the  
 31 retirement system at the time of participation in World Trade Center  
 32 rescue, recovery, or cleanup operations as specified herein.

33 (cf: P.L.2019, c.157, s.2)

34  
 35 3. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to read  
 36 as follows:

37 10. a. Upon the written application by a member in service, by  
 38 one acting in his behalf or by the State, any member may be retired,  
 39 not less than 1 month next following the date of filing such  
 40 application, on an accidental disability retirement allowance,  
 41 provided, that the medical board, after a medical examination of  
 42 such member, shall certify that the member is permanently and  
 43 totally disabled as a direct result of a traumatic event occurring  
 44 during and as a result of the performance of his regular or assigned  
 45 duties and that such disability was not the result of the member's  
 46 willful negligence and that such member is mentally or physically

1 incapacitated for the performance of his usual duties in the Division  
2 of State Police which the Superintendent of State Police is willing  
3 to assign to him.

4 A member with a preexisting and asymptomatic condition that is  
5 rendered symptomatic as a direct result of a traumatic event  
6 occurring during and as a result of the performance of the member's  
7 regular or assigned duties may be eligible for an accidental  
8 disability retirement allowance, provided that the traumatic event is  
9 caused by a circumstance external to the member and is the  
10 substantial contributing cause of the member's permanent and total  
11 disability.

12 The application to accomplish such retirement must be filed  
13 within 5 years of the original traumatic event, but the board of  
14 trustees may consider an application filed after the 5-year period if  
15 it can be factually demonstrated to the satisfaction of the board of  
16 trustees that the disability is due to the accident and the filing was  
17 not accomplished within the 5-year period due to a delayed  
18 manifestation of the disability or to the member's continued  
19 employment in a restricted capacity consistent with the nature of his  
20 disability in the Division of the State Police upon and at the written  
21 request of the superintendent, with the concurrence of the Attorney  
22 General, or to other circumstances beyond the control of the  
23 member.

24 b. Upon retirement for accidental disability, a member shall  
25 receive an accidental disability retirement allowance which shall  
26 consist of:

27 (1) An annuity which shall be the actuarial equivalent of his  
28 aggregate contributions and

29 (2) A pension in the amount which, when added to the member's  
30 annuity, will provide a total retirement allowance of  $\frac{2}{3}$  of his final  
31 compensation.

32 c. Upon the receipt of proper proofs of the death of a member  
33 who has retired on an accidental disability retirement allowance,  
34 there shall be paid to the member's beneficiary an amount equal to 3  
35  $\frac{1}{2}$  times the final compensation received by the member in the last  
36 year of creditable service; provided, however, that if such death  
37 shall occur after the member shall have attained 55 years of age the  
38 amount payable shall equal  $\frac{1}{2}$  of such compensation instead of 3  
39  $\frac{1}{2}$  times such compensation.

40 d. Permanent and total disability resulting from a  
41 cardiovascular, pulmonary or musculoskeletal condition which was  
42 not a direct result of a traumatic event occurring in the performance  
43 of duty shall be deemed an ordinary disability.

44 e. (1) For purposes of this subsection:

45 "Qualifying condition or impairment of health" includes:

46 diseases of the upper respiratory tract and mucosae, including  
47 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,

1 laryngitis, vocal cord disease, upper airway hyper-reactivity and  
2 tracheo-bronchitis, or a combination of such conditions;

3 diseases of the lower respiratory tract, including but not limited  
4 to bronchitis, asthma, reactive airway dysfunction syndrome, and  
5 different types of pneumonitis, such as hypersensitivity,  
6 granulomatous, or eosinophilic;

7 diseases of the gastroesophageal tract, including esophagitis and  
8 reflux disease, either acute or chronic, caused by exposure or  
9 aggravated by exposure;

10 diseases of the psychological axis, including post-traumatic  
11 stress disorder, anxiety, depression, or any combination of such  
12 conditions;

13 diseases of the skin, such as contact dermatitis or burns, either  
14 acute or chronic in nature, infectious, irritant, allergic, idiopathic or  
15 non-specific reactive in nature, caused by exposure or aggravated  
16 by exposure; and

17 new onset diseases resulting from exposure as such diseases  
18 occurring in the future including cancer, chronic obstructive  
19 pulmonary disease, asbestos-related disease, heavy metal poisoning,  
20 musculoskeletal disease and chronic psychological disease.

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22 means the rescue, recovery, or cleanup operations at the World  
23 Trade Center site between September 11, 2001 and October 11,  
24 2001.

25 "World Trade Center site" means any location below a line  
26 starting from the Hudson River and Canal Street, east on Canal  
27 Street to Pike Street, south on Pike Street to the East River, and  
28 extending to the lower tip of Manhattan.

29 (2) Notwithstanding any provision of subsection a. of this section  
30 or any other law to the contrary, for a member who participated,  
31 whether or not under orders or instruction by an employer to so  
32 participate, in World Trade Center rescue, recovery, or cleanup  
33 operations for a minimum of eight hours, permanent and total  
34 disability resulting from a qualifying condition or impairment of  
35 health shall be presumed to have occurred during and as a result of  
36 the performance of the member's regular or assigned duties and not  
37 the result of the member's willful negligence, unless the contrary  
38 can be proved by competent evidence.

39 A member who did not participate in such operations for a  
40 minimum of eight hours shall be eligible for the presumption  
41 provided that:

42 the member participated in the rescue, recovery, or cleanup  
43 operations at the World Trade Center site between September 11,  
44 2001 and September 12, 2001;

45 the member sustained a documented physical injury at the World  
46 Trade Center site between September 11, 2001 and September 12,  
47 2001 that is a qualifying condition or impairment of health resulting  
48 in a disability to the member that prevented the member from

1 continuing to participate in World Trade Center rescue, recovery, or  
2 cleanup operations for a minimum of eight hours; and

3 the documented physical injury that resulted in a disability to the  
4 member that prevented the member from continuing to participate  
5 in World Trade Center rescue, recovery, or cleanup operations for a  
6 minimum of eight hours is the qualifying condition or impairment  
7 of health for which the member seeks a presumption under this  
8 subsection.

9 In order to be eligible for the presumption provided under this  
10 subsection, a member shall have successfully passed a physical  
11 examination for entry into public service, or shall present such  
12 sufficient evidence of one or more medical examinations or results  
13 performed within a reasonable period of time before or after entry  
14 into public service, which failed to disclose evidence of the  
15 qualifying condition or impairment of health that formed the basis  
16 for the permanent and total disability.

17 (3) A member who participated in the World Trade Center  
18 rescue, recovery, or cleanup operations for a minimum of eight  
19 hours and subsequently retired on a service retirement, special  
20 retirement, accidental disability retirement, or an ordinary disability  
21 retirement and thereafter incurred a disability caused by a  
22 qualifying condition or impairment of health which the medical  
23 board determines to be caused by participation in World Trade  
24 Center rescue, recovery, or cleanup operations shall be eligible to  
25 apply to the board of trustees to have the retiree's retirement  
26 allowance recalculated as an accidental disability retirement  
27 allowance for benefit payments on or after the date of the  
28 application, provided the retiree filed an application for such  
29 recalculation within ~~30~~ 180 days of the date that the retiree knew  
30 or should have known of the existence of such disability and its  
31 relation to the rescue, recovery, or cleanup operations. In order to  
32 be eligible for such recalculation, the retiree shall have successfully  
33 passed a physical examination for entry into public service, or shall  
34 present such sufficient evidence of one or more medical  
35 examinations or results performed within a reasonable period of  
36 time before or after entry into public service, which failed to  
37 disclose evidence of the qualifying condition or impairment of  
38 health that formed the basis for the disability.

39 If a retiree previously filed an eligibility registration form with  
40 the State Police Retirement System and the retiree was denied  
41 because the retiree did not file within the required registration  
42 period <sup>1</sup>in effect prior to the effective date of P.L. , c. (pending  
43 before the Legislature as this bill)<sup>1</sup>, the retiree shall be permitted to  
44 petition the board of trustees for reconsideration <sup>1</sup>[or shall be  
45 permitted to resubmit the previously submitted eligibility  
46 registration form to the board for the presumption or recalculation

1 granted under P.L. , c. (pending before the Legislature as this  
2 bill)]<sup>1</sup>.

3 (4) The board of trustees <sup>1</sup>~~shall~~ may<sup>1</sup> promulgate rules and  
4 regulations <sup>1</sup>that the board determines are<sup>1</sup> necessary to implement  
5 the provisions of this subsection <sup>1</sup>~~and shall notify all members and~~  
6 ~~retirants in the retirement system of the enactment of]~~<sup>1</sup> ~~[this act,~~  
7 <sup>1</sup>~~[P.L.2019, c.157, and the enactment of P.L. , c. (pending~~  
8 ~~before the Legislature as this bill), within]~~<sup>1</sup> ~~[30]~~ <sup>1</sup>~~[60 days of~~  
9 ~~enactment. The board shall notify all members and retirants~~  
10 ~~enrolled in the retirement system by letter sent via certified mail~~  
11 ~~and shall be required to communicate, in an easily understood~~  
12 ~~manner, the provisions of P.L. , c. (pending before the~~  
13 ~~Legislature as this bill), including the class of members and retirees~~  
14 ~~impacted, the filing requirements, and the prescribed time limits]~~<sup>1</sup>.

15 A member or retiree shall not be eligible for the presumption or  
16 recalculation under this subsection unless <sup>1</sup>~~[within two years of the~~  
17 ~~effective date of]~~<sup>1</sup> ~~[this act,~~ <sup>1</sup>~~[P.L.2019, c.157, or within two~~  
18 ~~years after the effective date of P.L. , c. (pending before the~~  
19 ~~Legislature as this bill),]~~<sup>1</sup> the member or retiree files a written and  
20 sworn statement with the retirement system on a form provided by  
21 the board of trustees thereof indicating the dates and locations of  
22 service. <sup>1</sup>~~[The board of trustees may approve filing extensions in~~  
23 ~~two-year increments thereafter.]]~~<sup>1</sup>

24 (5) This subsection shall apply regardless of whether the member  
25 or retiree, who is otherwise eligible, was enrolled in the retirement  
26 system at the time of participation in World Trade Center rescue,  
27 recovery, or cleanup operations as specified herein.  
28 (cf: P.L.2022, c.77, s.1)

29

30 4. This act shall take effect immediately.