

HOUSE BILL 427

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC SAFETY; CREATING A PRESUMPTION THAT
POSTTRAUMATIC STRESS DISORDER IS PROXIMATELY CAUSED BY
EMPLOYMENT FOR LAW ENFORCEMENT OFFICERS AND EMERGENCY MEDICAL
SERVICES FIRST RESPONDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the New Mexico Occupational
Disease Disablement Law is enacted to read:

"[NEW MATERIAL] OCCUPATIONAL CONDITION--POSTTRAUMATIC
STRESS DISORDER--PRESUMPTION.--

A. As used in this section:

(1) "law enforcement officer" means:

(a) a full-time salaried and
commissioned or certified law enforcement officer of a police
or sheriff's department that is part of or administered by the

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1 state or a political subdivision of the state;

2 (b) an adult correctional officer;

3 (c) a juvenile correctional officer;

4 (d) a juvenile probation or parole

5 officer; and

6 (e) an adult probation or parole

7 officer; and

8 (2) "emergency medical services first
9 responder" means a person who is licensed by the department of
10 health and who functions within the emergency medical services
11 system to provide initial emergency aid.

12 B. If a law enforcement officer or an emergency
13 medical services first responder is diagnosed with
14 posttraumatic stress disorder by a physician or psychologist
15 that results in physical impairment, primary or secondary
16 mental impairment or death, and the condition was not revealed
17 during an initial employment medical screening examination or
18 during a subsequent medical review pursuant to the Occupational
19 Health and Safety Act and rules promulgated pursuant to that
20 act, the condition is presumed to be proximately caused by
21 employment as a law enforcement officer or an emergency medical
22 services first responder.

23 C. The presumption created in Subsection B of this
24 section may be rebutted by a preponderance of evidence in a
25 court of competent jurisdiction showing that the law

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1 enforcement officer or emergency medical services first
2 responder engaged in conduct or activities outside of
3 employment that posed a significant risk of developing the
4 condition.

5 D. When the presumption created in this section
6 does not apply, it shall not preclude a law enforcement officer
7 or an emergency medical services first responder from
8 demonstrating a causal connection between employment and
9 condition or injury by a preponderance of evidence in a court
10 of competent jurisdiction.

11 E. Medical treatment based on the presumption
12 created in this section shall be provided by an employer as for
13 a job-related condition or injury unless and until a court of
14 competent jurisdiction determines that the presumption does not
15 apply. If the court determines that the presumption does not
16 apply or that the condition is not job-related, the employer's
17 workers' compensation insurance provider shall be reimbursed
18 for health care costs by the medical or health insurance plan
19 or benefit provided for the law enforcement officer or the
20 emergency medical services first responder by the employer."

21 SECTION 2. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2023.