

[Third Reprint]

SENATE, No. 2373

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 29, 2024

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SYNOPSIS

Provides employment protections for paid first responders diagnosed with post-traumatic stress disorder under certain conditions.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on January 8, 2026, with amendments.

(Sponsorship Updated As Of: 1/12/2026)

1 AN ACT concerning paid first responders and post-traumatic stress
2 disorder and supplementing Title 34 of the Revised Statutes ³and
3 amending P.L.2025, c.134³.
4

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

8 1. This act shall be known as the "New Jersey First Responders
9 Post-Traumatic Stress Disorder Protection Act."
10

11 2. As used in ³**[this act]** P.L. , c. (C.)(pending before
12 the Legislature as this bill)³:

13 "Employee" means a first responder holding a position of paid
14 employment with an employer.

15 "Employer" means ¹**[an]** a public¹ entity that employs paid first
16 responders.

17 "First responder" means a law enforcement officer; paid
18 firefighter; paid member of a duly incorporated first aid,
19 emergency, ambulance, or rescue squad association; paid
20 emergency medical technician; paid paramedic; or paid 9-1-1 first
21 responder dispatcher.

22 "Law enforcement officer" means a person employed as a
23 permanent full-time member of any federal, State, county or
24 municipal law enforcement agency, department, or division of those
25 governments who is statutorily empowered to act for the detection,
26 investigation, arrest, conviction, detention, or rehabilitation of
27 persons violating the criminal laws of this State or of the United
28 States and statutorily required to successfully complete a training
29 course approved by the Police Training Commission pursuant to
30 P.L.1961, c.56 (C.52:17B-66 et seq.), or certified by the
31 commission as being substantially equivalent to an approved
32 course.

33 ²"Mental health professional" means a person who maintains a
34 clinical practice and has been approved by an employer and
35 employee and is a professional licensed by the Alcohol and Drug
36 Counselor Committee; the State Board of Creative Arts and
37 Activities Therapies; the State Board of Marriage and Family
38 Therapy Examiners; the State Board of Medical Examiners; the
39 Professional Counselor Examiners Committee; the Certified
40 Psychoanalysts Advisory Committee; the State Board of
41 Psychological Examiners; the State Board of Social Work
42 Examiners; the New Jersey Board of Nursing or any other entity
43 created hereafter under Title 45 to license or otherwise regulate a
44 mental health profession.²

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:

¹Senate SLP committee amendments adopted May 29, 2025.

²Senate SBA committee amendments adopted June 26, 2025.

³Assembly AAP committee amendments adopted January 8, 2026.

1 ¹“Public entity” means the State, any county, municipality,
2 district, public authority, public agency, and any other political
3 subdivision or public body in the State.¹

4
5 3. a. An employer shall not discharge, harass, or otherwise
6 discriminate or retaliate or threaten to discharge, harass, or otherwise
7 discriminate or retaliate against an employee with respect to the
8 compensation, terms, conditions, duties, or privileges of employment
9 on the basis that the employee took or requested any leave related to a
10 qualifying diagnosis of post-traumatic stress disorder. Following a
11 period of leave related to a qualifying diagnosis of post-traumatic
12 stress disorder, an employer shall reinstate an employee whose fitness
13 to return to work has been documented by a ²~~licensed physician or~~
14 ~~licensed~~² mental health professional to the position and duties held
15 by the employee prior to the leave.

16 b. A diagnosis of post-traumatic stress disorder is qualified under
17 subsection a. of this section if:

18 (1) the diagnosis is ²~~made by a licensed physician or licensed~~
19 ~~mental health professional; and~~

20 (2) as determined by the licensed physician or licensed mental
21 health professional, the post-traumatic stress disorder arose:

22 (a) as a result of the employee experiencing or witnessing a
23 traumatic event during and within the scope of the performance of
24 regular or assigned duties of the employee; or

25 (b) due to vicarious trauma experienced by the employee as a
26 result of the performance of regular or assigned duties of the
27 employee ~~memorialized in an order of a judge of the Division of~~
28 ~~Workers' Compensation concerning the employer and employee and~~
29 ~~the traumatic injury or exposure which makes up the basis for the~~
30 ~~claim, upon motion or after a plenary trial or by stipulation of the~~
31 ~~employer and employee; or~~

32 (2) the diagnosis is the result of an examination of the employee by
33 a mental health professional who reports the diagnosis of post-
34 traumatic stress disorder and determines that it arose:

35 (a) as a result of the employee experiencing or witnessing a
36 traumatic event during and within the scope of the performance of
37 regular or assigned duties of the employee; or

38 (b) due to vicarious trauma experienced by the employee as a
39 result of the performance of regular or assigned duties of the
40 employee².

41
42 4. a. An employee or former employee may institute ³~~a civil~~
43 ~~an~~³ action in the ³~~Superior Court~~³ ~~Division of Workers'~~
44 ~~Compensation~~³ for relief upon a violation of any of the provisions
45 of section 3 of ³~~this act~~³ P.L. , c. (C.) (pending before the
46 Legislature as this bill)³. All remedies available in ³~~common law~~
47 ~~tort actions~~³ section 1 of P.L.2008, c.93 (C.34:15-28.2)³ shall be

1 available to a prevailing plaintiff ³and may be ordered by a judge of
2 compensation upon a violation of any of the provisions of section 3
3 of P.L. , c. (C.) (pending before the Legislature as this
4 bill)³. The court may also order any or all of the following relief:

5 (1) an assessment of a civil fine of \$5,000 for the first violation
6 of any of the provisions of section 3 of ³[this act]
7 P.L. , c. (C.)(pending before the Legislature as this bill)³
8 and \$10,000 for each subsequent violation;

9 (2) an injunction to restrain the continued violation of any of the
10 provisions of section 3 of ³[this act] P.L. , c. (C.)(pending
11 before the Legislature as this bill)³;

12 (3) reinstatement of the employee to the same position or to a
13 position equivalent to that which the employee held prior to
14 unlawful discharge or retaliatory action;

15 (4) reinstatement of full fringe benefits and seniority rights;

16 (5) compensation for any lost wages, benefits, and other
17 remuneration; or

18 (6) payment of reasonable costs and attorney's fees.

19 b. An action brought under this section shall commence within
20 one year of the date of the alleged violation.

21 c. A private cause of action provided for in this section shall be
22 the sole remedy for a violation of ³[this act] P.L. , c. (C.)
23 (pending before the Legislature as this bill) and shall be limited to
24 the remedies provided in section 1 of P.L.1966, c.157 (C.34:15-
25 39.1)³.

26
27 ³5. Section 1 of P.L.2025, c.134 (C.34:15-31.15) is amended to
28 read as follows:

29 1. As used in [this act] P.L.2025, c.134 (C.34:15-31.15 et seq.):

30 “Critical incident” means an event involving the firing of a
31 weapon or an exchange of gun fire; serious bodily injury to or the
32 death of a minor; a terrorist act; a hostage situation; serious bodily
33 injury to or the death of another first responder employed in the
34 same agency or unit, when that serious bodily injury or death
35 occurred in the performance of that first responder’s official duties;
36 a personal injury or wound; serious bodily injury received in the
37 performance of the first responder’s official duties; the visual or
38 audible witnessing of the death or maiming, or the visual or audible
39 witnessing of the immediate aftermath of the death or maiming, of
40 one or more persons; the response to or direct involvement in a
41 criminal investigation of an offense involving violent crimes against
42 minors; the need for rescue in the line of duty where one’s life was
43 in danger; or the response to or direct involvement in an
44 investigation regarding the drowning or near drowning of a minor.

45 “First responder” means a paid 9-1-1 first responder dispatcher,
46 law enforcement officer, paid firefighter, or paid member of a duly
47 incorporated first aid, emergency, ambulance, or rescue squad

1 association or any other individual who, in the course of that
2 individual's employment, is dispatched to the scene of an
3 emergency situation for the purpose of providing medical care or
4 other assistance.

5 “Law enforcement officer” means a person who is employed as a
6 sworn member of any State, county, or municipal law enforcement
7 agency, department, division, or instrumentality of those
8 governments who is statutorily empowered to act for the detection,
9 investigation, arrest, conviction, detention, or rehabilitation of
10 persons violating the criminal laws of the State.

11 “Mental health professional” means a **licensed mental health**
12 professional who holds a current, valid license issued pursuant to
13 subsection a. of section 6 or subsection a. or d. of section 8 of
14 P.L.1991, c.134 (C.45:15BB-1 et seq.), who is culturally competent
15 in mental health issues related to first responders, and specializes in
16 treating first responders related to critical incidents in law
17 enforcement and firefighting **]** a person who maintains a clinical
18 practice and has been approved by an employer and employee and
19 is a professional licensed by the Alcohol and Drug Counselor
20 Committee; the State Board of Creative Arts and Activities
21 Therapies; the State Board of Marriage and Family Therapy
22 Examiners; the State Board of Medical Examiners; the Professional
23 Counselor Examiners Committee; the Certified Psychoanalysts
24 Advisory Committee; the State Board of Psychological Examiners;
25 the State Board of Social Work Examiners; the New Jersey Board
26 of Nursing or any other entity created hereafter under Title 45 to
27 license or otherwise regulate a mental health profession.

28 “Minor” means a person under the age of 18 years.

29 "Paid firefighter" or "firefighter" means a full-time paid
30 firefighter employed by a public fire department.

31 “Peer support team” means law enforcement officers trained by
32 culturally competent mental health professionals to provide
33 emotional and practical assistance to first responders.

34 "Public fire department" or "department" means any department
35 of a municipality, county, fire district or the State or any agency
36 thereof having employees engaged in firefighting provided that such
37 firefighting employees are included in a negotiating unit exclusively
38 comprised of firefighting employees.

39 “Resiliency program officer” means a designated law
40 enforcement officer who is responsible for the training and
41 implementation of the New Jersey Resiliency Program for Law
42 Enforcement (NJRP-LE) within the officer’s employing agency,
43 pursuant to Attorney General Directive No. 2019-1.³

44 (cf: P.L.2025, c.134, s.1)

45
46 ³**[5.] 6.**³ This act shall take effect immediately.