
By: **Delegates Sophocleus, Cadden, Rosso, Love, and Boschert**
Introduced and read first time: February 11, 2000
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Presumption of Occupational Disease - Hepatitis**
3 **C and Liver Cancer**

4 FOR the purpose of creating a certain presumption of occupational disease for certain
5 individuals engaged in certain public safety employment who face certain
6 exposures arising out of and in the course of employment that may cause or
7 facilitate the transmission of hepatitis C, and who then develop hepatitis C, or
8 liver cancer as a complication of hepatitis C, and become totally or permanently
9 disabled or die; requiring that certain of the employees undergo a
10 preemployment physical to determine that the employee did not suffer from
11 hepatitis C or liver cancer prior to employment; providing that workers'
12 compensation benefits shall be paid in addition to any retirement benefits to
13 which the individual may be entitled; requiring the adjustment of workers'
14 compensation benefits under certain circumstances for certain employees; and
15 generally relating to making a legal presumption of occupational disease
16 applicable to certain public safety employees who contract hepatitis C in
17 incidents arising out of and in the course of employment.

18 BY adding to
19 Article - Labor and Employment
20 Section 9-503.1
21 Annotated Code of Maryland
22 (1999 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Labor and Employment**

26 9-503.1.

27 (A) A PAID FIREFIGHTER, PAID FIRE FIGHTING INSTRUCTOR, OR SWORN
28 MEMBER OF THE OFFICE OF THE STATE FIRE MARSHAL EMPLOYED BY AN AIRPORT
29 AUTHORITY, A COUNTY, A FIRE CONTROL DISTRICT, A MUNICIPALITY, OR THE STATE
30 OR A VOLUNTEER FIREFIGHTER, VOLUNTEER FIRE FIGHTING INSTRUCTOR,

1 VOLUNTEER RESCUE SQUAD MEMBER, OR VOLUNTEER ADVANCED LIFE SUPPORT
2 UNIT MEMBER WHO IS A COVERED EMPLOYEE UNDER § 9-234 OF THIS TITLE IS
3 PRESUMED TO HAVE AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE
4 OF DUTY AND IS COMPENSABLE UNDER THIS TITLE IF:

5 (1) (I) THE INDIVIDUAL DEVELOPS HEPATITIS C; OR

6 (II) THE INDIVIDUAL DEVELOPS LIVER CANCER AS A
7 COMPLICATION OF HEPATITIS C;

8 (2) THE HEPATITIS C OR THE LIVER CANCER RESULTS IN THE
9 INDIVIDUAL'S PARTIAL OR TOTAL DISABILITY OR DEATH;

10 (3) PRIOR TO THE DATE OF DISABLEMENT FROM HEPATITIS C OR LIVER
11 CANCER, THE INDIVIDUAL WAS REGULARLY EXPOSED, IN INCIDENTS ARISING OUT
12 OF AND IN THE COURSE OF EMPLOYMENT, TO THE FOLLOWING ITEMS THAT MAY
13 CAUSE OR FACILITATE THE TRANSMISSION OF HEPATITIS C:

14 (I) INADVERTENT NEEDLE PUNCTURES;

15 (II) THE BODILY FLUIDS OF OTHER INDIVIDUALS; OR

16 (III) BIOTOXINS OR OTHER HAZARDOUS BIOLOGICAL MATERIALS;
17 AND

18 (4) THE INDIVIDUAL IS A VOLUNTEER FIREFIGHTER, VOLUNTEER FIRE
19 FIGHTING INSTRUCTOR, VOLUNTEER RESCUE SQUAD MEMBER, OR VOLUNTEER
20 ADVANCED LIFE SUPPORT UNIT MEMBER WHO:

21 (I) SUBMITTED TO A SUITABLE STANDARD PHYSICAL
22 EXAMINATION BEFORE BECOMING A FIREFIGHTER, FIRE FIGHTING INSTRUCTOR,
23 RESCUE SQUAD MEMBER, OR ADVANCED LIFE SUPPORT UNIT MEMBER TO
24 DETERMINE WHETHER ANY HEPATITIS C OR LIVER CANCER EXISTED PRIOR TO
25 EMPLOYMENT; AND

26 (II) DID NOT SUFFER FROM HEPATITIS C OR LIVER CANCER PRIOR
27 TO EMPLOYMENT.

28 (B) A PAID POLICE OFFICER EMPLOYED BY AN AIRPORT AUTHORITY, A
29 COUNTY, THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, A
30 MUNICIPALITY, OR THE STATE, A DEPUTY SHERIFF OF MONTGOMERY COUNTY, OR,
31 SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PRINCE GEORGE'S COUNTY
32 DEPUTY SHERIFF, IS PRESUMED TO BE SUFFERING FROM AN OCCUPATIONAL
33 DISEASE THAT WAS SUFFERED IN THE LINE OF DUTY AND IS COMPENSABLE UNDER
34 THIS TITLE IF:

35 (1) (I) THE INDIVIDUAL DEVELOPS HEPATITIS C; OR

36 (II) THE INDIVIDUAL DEVELOPS LIVER CANCER AS A
37 COMPLICATION OF HEPATITIS C;

1 (2) THE HEPATITIS C OR THE LIVER CANCER RESULTS IN THE
2 INDIVIDUAL'S PARTIAL OR TOTAL DISABILITY OR DEATH;

3 (3) PRIOR TO THE DATE OF DISABLEMENT FROM HEPATITIS C OR LIVER
4 CANCER, THE INDIVIDUAL WAS REGULARLY EXPOSED, IN INCIDENTS ARISING OUT
5 OF AND IN THE COURSE OF EMPLOYMENT, TO THE FOLLOWING ITEMS THAT MAY
6 CAUSE OR FACILITATE THE TRANSMISSION OF HEPATITIS C:

7 (I) INADVERTENT NEEDLE PUNCTURES;

8 (II) THE BODILY FLUIDS OF OTHER INDIVIDUALS; OR

9 (III) BIOTOXINS OR OTHER HAZARDOUS BIOLOGICAL MATERIALS;
10 AND

11 (4) THE INDIVIDUAL IS A PRINCE GEORGE'S COUNTY DEPUTY SHERIFF
12 WHO:

13 (I) AS A CONDITION OF EMPLOYMENT, SUBMITTED TO A MEDICAL
14 EXAMINATION PRIOR TO THE INDIVIDUAL'S EMPLOYMENT TO DETERMINE WHETHER
15 ANY HEPATITIS C OR LIVER CANCER EXISTED PRIOR TO EMPLOYMENT; AND

16 (II) DID NOT SUFFER FROM HEPATITIS C OR LIVER CANCER PRIOR
17 TO EMPLOYMENT.

18 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY
19 PAID FIRE FIGHTER, PAID FIRE FIGHTING INSTRUCTOR, SWORN MEMBER OF THE
20 OFFICE OF THE STATE FIRE MARSHAL, PAID POLICE OFFICER, PAID LAW
21 ENFORCEMENT EMPLOYEE OF THE DEPARTMENT OF NATURAL RESOURCES, OR
22 DEPUTY SHERIFF OF MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY WHO IS
23 ELIGIBLE FOR BENEFITS UNDER SUBSECTION (A) OR (B) OF THIS SECTION SHALL
24 RECEIVE THE BENEFITS IN ADDITION TO ANY BENEFITS THAT THE INDIVIDUAL IS
25 ENTITLED TO RECEIVE UNDER A RETIREMENT SYSTEM IN WHICH THE INDIVIDUAL
26 WAS A PARTICIPANT AT THE TIME OF THE CLAIM.

27 (2) THE BENEFITS RECEIVED UNDER THIS TITLE SHALL BE ADJUSTED
28 SO THAT THE WEEKLY TOTAL OF THOSE BENEFITS AND RETIREMENT BENEFITS
29 DOES NOT EXCEED THE WEEKLY SALARY THAT WAS PAID TO THE PAID LAW
30 ENFORCEMENT EMPLOYEE OF THE DEPARTMENT OF NATURAL RESOURCES,
31 FIREFIGHTER, FIRE FIGHTING INSTRUCTOR, SWORN MEMBER OF THE OFFICE OF
32 THE STATE FIRE MARSHAL, POLICE OFFICER, OR DEPUTY SHERIFF.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2000.