

HOUSE BILL 604

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CF SB 646

By: **Delegates D.E. Davis, D. Barnes, Charles, Fennell, W. Fisher, Gaines, Harrison, Ivey, Proctor, Turner, Walker, and R. Watson**

Introduced and read first time: February 6, 2019

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Medical Presumptions for Diseases and Cancer –**
3 **Eligibility**

4 FOR the purpose of altering the circumstances under which certain firefighters, fire
5 fighting instructors, rescue squad members, advanced life support unit members,
6 and sworn members of the Office of the State Fire Marshal are presumed to be
7 suffering from an occupational disease that was suffered in the line of duty and is
8 compensable under the workers' compensation law; making stylistic changes;
9 providing for the application of this Act; and generally relating to the occupational
10 disease presumptions under the workers' compensation law.

11 BY repealing and reenacting, with amendments,
12 Article – Labor and Employment
13 Section 9–503(c)
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2018 Supplement)

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

18 **Article – Labor and Employment**

19 9–503.

20 (c) A paid firefighter, paid fire fighting instructor, paid rescue squad member,
21 paid advanced life support unit member, or a sworn member of the Office of the State Fire
22 Marshal employed by an airport authority, a county, a fire control district, a municipality,
23 or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue
24 squad member, or volunteer advanced life support unit member who is a covered employee

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 under § 9–234 of this title is presumed to be suffering from an occupational disease that
2 was suffered in the line of duty and is compensable under this title if the individual:

3 (1) has leukemia or prostate, rectal, throat, multiple myeloma,
4 non–Hodgkin’s lymphoma, brain, testicular, or breast cancer that is caused by contact with
5 a toxic substance that the individual has encountered in the line of duty;

6 (2) has completed at least 10 years of **CUMULATIVE** service as a firefighter,
7 A fire fighting instructor, A rescue squad member, or AN advanced life support unit member
8 or in a combination of those jobs [in the department where the individual currently is
9 employed or serves]; **AND**

10 [(3) is unable to perform the normal duties of a firefighter, fire fighting
11 instructor, rescue squad member, or advanced life support unit member in the department
12 where the individual currently is employed or serves because of the cancer or leukemia
13 disability; and]

14 [(4) (3) in the case of a volunteer firefighter, volunteer fire fighting
15 instructor, volunteer rescue squad member, or volunteer advanced life support unit
16 member, has met a suitable standard of physical examination before becoming a firefighter,
17 fire fighting instructor, rescue squad member, or advanced life support unit member.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
19 apply only prospectively and may not be applied or interpreted to have any effect on or
20 application to any claim filed before the effective date of this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2019.