

HOUSE BILL 1247

K1

EMERGENCY BILL

11r2306
CF SB 725

By: **Delegate Washington**

Introduced and read first time: February 8, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease Presumptions – COVID-19**

3 FOR the purpose of providing that certain covered employees who are suffering from the
4 effects of severe acute respiratory syndrome coronavirus 2 are presumed, under
5 certain circumstances, to have an occupational disease that was suffered in the line
6 of duty or course of employment and is compensable in a certain manner; making
7 this Act an emergency measure; providing for the application of this Act; and
8 generally relating to occupational disease presumptions under the workers'
9 compensation law.

10 BY repealing and reenacting, with amendments,
11 Article – Labor and Employment
12 Section 9–503
13 Annotated Code of Maryland
14 (2016 Replacement Volume and 2020 Supplement)

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

17 **Article – Labor and Employment**

18 9–503.

19 (a) A paid firefighter, paid firefighting instructor, paid rescue squad member,
20 paid advanced life support unit member, or sworn member of the Office of the State Fire
21 Marshal employed by an airport authority, a county, a fire control district, a municipality,
22 or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue
23 squad member, or volunteer advanced life support unit member who is a covered employee
24 under § 9–234 of this title is presumed to have an occupational disease that was suffered
25 in the line of duty and is compensable under this title if:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) the individual has heart disease, hypertension, or lung disease;

2 (2) the heart disease, hypertension, or lung disease results in partial or
3 total disability or death; and

4 (3) in the case of a volunteer firefighter, volunteer fire fighting instructor,
5 volunteer rescue squad member, or volunteer advanced life support unit member, the
6 individual has met a suitable standard of physical examination before becoming a
7 firefighter, firefighting instructor, rescue squad member, or advanced life support unit
8 member.

9 (b) (1) A paid police officer employed by an airport authority, a county, the
10 Maryland–National Capital Park and Planning Commission, a municipality, or the State,
11 a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this subsection, a
12 deputy sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy
13 sheriff of Baltimore City, Montgomery County correctional officer, Prince George’s County
14 deputy sheriff, Prince George’s County correctional officer, or deputy sheriff of Allegany
15 County is presumed to be suffering from an occupational disease that was suffered in the
16 line of duty and is compensable under this title if:

17 (i) the police officer, deputy sheriff, or correctional officer is
18 suffering from heart disease or hypertension; and

19 (ii) the heart disease or hypertension results in partial or total
20 disability or death.

21 (2) (i) A deputy sheriff of Anne Arundel County, Anne Arundel County
22 detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer,
23 Prince George’s County deputy sheriff, or Prince George’s County correctional officer is
24 entitled to the presumption under this subsection only to the extent that the individual
25 suffers from heart disease or hypertension that is more severe than the individual’s heart
26 disease or hypertension condition existing prior to the individual’s employment as a deputy
27 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
28 Baltimore City, Montgomery County correctional officer, Prince George’s County deputy
29 sheriff, or Prince George’s County correctional officer.

30 (ii) To be eligible for the presumption under this subsection, a deputy
31 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
32 Baltimore City, Montgomery County correctional officer, Prince George’s County deputy
33 sheriff, or Prince George’s County correctional officer, as a condition of employment, shall
34 submit to a medical examination to determine any heart disease or hypertension condition
35 existing prior to the individual’s employment as a deputy sheriff of Anne Arundel County,
36 Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery
37 County correctional officer, Prince George’s County deputy sheriff, or Prince George’s
38 County correctional officer.

39 (c) A paid firefighter, paid firefighting instructor, paid rescue squad member,

1 paid advanced life support unit member, or a sworn member of the Office of the State Fire
2 Marshal employed by an airport authority, a county, a fire control district, a municipality,
3 or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue
4 squad member, or volunteer advanced life support unit member who is a covered employee
5 under § 9–234 of this title is presumed to be suffering from an occupational disease that
6 was suffered in the line of duty and is compensable under this title if:

7 (1) the individual has leukemia or prostate, rectal, throat, multiple
8 myeloma, non–Hodgkin’s lymphoma, brain, testicular, bladder, kidney or renal cell, or
9 breast cancer that is caused by contact with a toxic substance that the individual has
10 encountered in the line of duty;

11 (2) the individual has completed at least 10 years of cumulative service
12 within the State as a firefighter, a fire fighting instructor, a rescue squad member, or an
13 advanced life support unit member or in a combination of those jobs;

14 (3) the cancer or leukemia results in partial or total disability or death; and

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

20 (d) (1) A paid law enforcement employee of the Department of Natural
21 Resources who is a covered employee under § 9–207 of this title and a park police officer of
22 the Maryland–National Capital Park and Planning Commission is presumed to have an
23 occupational disease that was suffered in the line of duty and is compensable under this
24 title if the employee:

25 (i) is suffering from Lyme disease; and

26 (ii) was not suffering from Lyme disease before assignment to a
27 position that regularly places the employee in an outdoor wooded environment.

28 (2) The presumption under this subsection for a park police officer of the
29 Maryland–National Capital Park and Planning Commission shall only apply:

30 (i) during the time that the park police officer is assigned to a
31 position that regularly places the park police officer in an outdoor wooded environment;
32 and

33 (ii) for 3 years after the last date that the park police officer was
34 assigned by the Maryland–National Capital Park and Planning Commission to a position
35 that regularly placed the officer in an outdoor wooded environment.

36 (E) A PAID POLICE OFFICER, SHERIFF, DEPUTY SHERIFF, PAID

1 **FIREFIGHTER, PAID FIREFIGHTING INSTRUCTOR, PAID RESCUE SQUAD MEMBER,**
 2 **PAID ADVANCED LIFE SUPPORT UNIT MEMBER, VOLUNTEER FIREFIGHTER,**
 3 **VOLUNTEER FIRE FIGHTING INSTRUCTOR, VOLUNTEER RESCUE SQUAD MEMBER,**
 4 **VOLUNTEER ADVANCED LIFE SUPPORT UNIT MEMBER WHO IS A COVERED**
 5 **EMPLOYEE UNDER § 9-234 OF THIS TITLE AND WHO IS EMPLOYED BY AN AIRPORT**
 6 **AUTHORITY, A COUNTY, THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING**
 7 **COMMISSION, A MUNICIPALITY, OR THE STATE, OR A SWORN MEMBER OF THE**
 8 **OFFICE OF THE STATE FIRE MARSHAL EMPLOYED BY AN AIRPORT AUTHORITY, A**
 9 **COUNTY, A FIRE CONTROL DISTRICT, A MUNICIPALITY, OR THE STATE IS PRESUMED**
 10 **TO BE SUFFERING FROM AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE**
 11 **LINE OF DUTY AND IS COMPENSABLE UNDER THIS TITLE IF:**

12 **(1) THE INDIVIDUAL IS SUFFERING FROM THE EFFECTS OF SEVERE**
 13 **ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2;**

14 **(2) THE INDIVIDUAL'S DUTIES REQUIRED THE INDIVIDUAL TO BE IN**
 15 **DIRECT CONTACT WITH MEMBERS OF THE PUBLIC; AND**

16 **(3) THE INDIVIDUAL HAS BEEN DIAGNOSED WITH COVID-19 OR**
 17 **TESTS POSITIVE FOR SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2 OR**
 18 **SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2 ANTIBODIES.**

19 **[(e)] (F)** (1) Except as provided in paragraph (2) of this subsection, any paid
 20 firefighter, paid firefighting instructor, sworn member of the Office of the State Fire
 21 Marshal, paid police officer, paid law enforcement employee of the Department of Natural
 22 Resources, deputy sheriff of Anne Arundel County, Anne Arundel County detention officer,
 23 park police officer of the Maryland-National Capital Park and Planning Commission,
 24 deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery
 25 County correctional officer, deputy sheriff of Prince George's County, or Prince George's
 26 County correctional officer who is eligible for benefits under subsection (a), (b), (c), or (d) of
 27 this section or the dependents of those individuals shall receive the benefits in addition to
 28 any benefits that the individual or the dependents of the individual are entitled to receive
 29 under the retirement system in which the individual was a participant at the time of the
 30 claim.

31 (2) The benefits received under this title shall be adjusted so that the
 32 weekly total of those benefits and retirement benefits does not exceed the weekly salary
 33 that was paid to the paid law enforcement employee of the Department of Natural
 34 Resources, a park police officer of the Maryland-National Capital Park and Planning
 35 Commission, firefighter, firefighting instructor, sworn member of the Office of the State
 36 Fire Marshal, police officer, deputy sheriff, Prince George's County or Montgomery County
 37 correctional officer, or Anne Arundel County detention officer.

38 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall be construed to
 39 **apply only prospectively and may not be applied or interpreted to have any effect on or**

1 application to any claims filed before the effective date of this Act.

2 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
3 measure, is necessary for the immediate preservation of the public health or safety, has
4 been passed by a yea and nay vote supported by three-fifths of all the members elected to
5 each of the two Houses of the General Assembly, and shall take effect from the date it is
6 enacted.