

SENATE BILL 476

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CF HB 584

By: **The President (By Request – Administration) and Senators Augustine, Beidle, Brooks, Charles, Corderman, Elfreth, Gile, Hettleman, Lam, Mautz, McKay, Rosapepe, Waldstreicher, ~~and West~~ West, Ellis, Hayes, Hershey, Kramer, Klausmeier, Ready, and A. Washington**

Introduced and read first time: January 22, 2024

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2024

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease Presumptions – First**
3 **Responders**
4 **(Caring for Public Employees in the Safety Professions – CAPES Act)**

5 FOR the purpose of providing that certain first responders who have thyroid, colon, or
6 ovarian cancer are presumed, under certain circumstances, to have an occupational
7 disease that was suffered in the line of duty and is compensable under workers'
8 compensation law; and generally relating to occupational disease presumptions
9 under the workers' 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 2023 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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

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

26 (ii) the heart disease or hypertension results in partial or total
27 disability or death.

28 (2) (i) A deputy sheriff of Anne Arundel County, Anne Arundel County
29 detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer,
30 Prince George’s County deputy sheriff, or Prince George’s County correctional officer is
31 entitled to the presumption under this subsection only to the extent that the individual
32 suffers from heart disease or hypertension that is more severe than the individual’s heart
33 disease or hypertension condition existing prior to the individual’s employment as a deputy
34 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
35 Baltimore City, Montgomery County correctional officer, Prince George’s County deputy
36 sheriff, or Prince George’s County correctional officer.

37 (ii) To be eligible for the presumption under this subsection, a deputy
38 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of

1 Baltimore City, Montgomery County correctional officer, Prince George's County deputy
2 sheriff, or Prince George's County correctional officer, as a condition of employment, shall
3 submit to a medical examination to determine any heart disease or hypertension condition
4 existing prior to the individual's employment as a deputy sheriff of Anne Arundel County,
5 Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery
6 County correctional officer, Prince George's County deputy sheriff, or Prince George's
7 County correctional officer.

8 (c) A paid firefighter, paid fire fighting instructor, paid rescue squad member,
9 paid advanced life support unit member, or a sworn member of the Office of the State Fire
10 Marshal employed by an airport authority, a county, a fire control district, a municipality,
11 or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue
12 squad member, or volunteer advanced life support unit member who is a covered employee
13 under § 9-234 of this title is presumed to be suffering from an occupational disease that
14 was suffered in the line of duty and is compensable under this title if:

15 (1) the individual has leukemia or prostate, rectal, throat, multiple
16 myeloma, non-Hodgkin's lymphoma, brain, testicular, bladder, kidney or renal cell,
17 **THYROID, COLON, OVARIAN**, or breast cancer that is caused by contact with a toxic
18 substance that the individual has encountered in the line of duty;

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

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

23 (4) in the case of a volunteer firefighter, volunteer fire fighting instructor,
24 volunteer rescue squad member, or volunteer advanced life support unit member, the
25 individual has met a suitable standard of physical examination before becoming a
26 firefighter, fire fighting instructor, rescue squad member, or advanced life support unit
27 member.

28 (d) (1) A forest ranger, park ranger, wildlife ranger, paid law enforcement
29 employee of the Department of Natural Resources who is a covered employee under §
30 9-207 of this title, and a park police officer of the Maryland-National Capital Park and
31 Planning Commission is presumed to have an occupational disease that was suffered in the
32 line of duty and is compensable under this title if the individual:

33 (i) is suffering from Lyme disease; and

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

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

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

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

7 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
8 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire
9 Marshal, paid police officer, forest ranger, park ranger, wildlife ranger, paid law
10 enforcement employee of the Department of Natural Resources, deputy sheriff of Anne
11 Arundel County, Anne Arundel County detention officer, park police officer of the
12 Maryland–National Capital Park and Planning Commission, deputy sheriff of Montgomery
13 County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy
14 sheriff of Prince George’s County, or Prince George’s County correctional officer who is
15 eligible for benefits under subsection (a), (b), (c), or (d) of this section or the dependents of
16 those individuals shall receive the benefits in addition to any benefits that the individual
17 or the dependents of the individual are entitled to receive under the retirement system in
18 which the individual was a participant at the time of the claim.

19 (2) The benefits received under this title shall be adjusted so that the
20 weekly total of those benefits and retirement benefits does not exceed the weekly salary
21 that was paid to an individual specified under paragraph (1) of this subsection.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.