
By: Delegates Rawlings and McIntosh

Introduced and read first time: January 31, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Occupational Diseases - Correctional Officers**

3 FOR the purpose of establishing, under certain circumstances, that certain correctional
4 officers are presumed to have certain occupational diseases that were suffered in
5 the line of duty and are compensable under the workers' compensation law;
6 providing that, under certain circumstances, certain correctional officers who are
7 eligible for certain benefits shall receive the benefits in addition to certain other
8 benefits; and generally relating to the compensability of certain occupational
9 diseases 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 (1991 Volume and 1995 Supplement)

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

17 **Article - Labor and Employment**

18 9-503.

19 (a) A paid fire fighter or paid fire fighting instructor employed by an airport
20 authority, a county, a fire control district, a municipality, or the State or a volunteer fire
21 fighter, volunteer fire fighting instructor, or volunteer rescue squad member who is a
22 covered employee under § 9-234 of this title is presumed to have an occupational disease
23 that was suffered in the line of duty and is compensable under this title if:

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

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

27 (3) in the case of a volunteer fire fighter, volunteer fire fighting instructor,
28 or volunteer rescue squad member, the individual has met a suitable standard of physical
29 examination before becoming a fire fighter, fire fighting instructor, or rescue squad
30 member.

1 (b) A paid police officer employed by an airport authority, a county, the
2 Maryland-National Capital Park and Planning Commission, a municipality, or the State
3 [or], a Montgomery County deputy sheriff, OR A CORRECTIONAL OFFICER AS
4 DEFINED IN § 18-213 OF THE HEALTH - GENERAL ARTICLE is presumed to be suffering
5 from an occupational disease that was suffered in the line of duty and is compensable
6 under this title if:

7 (1) the police officer, CORRECTIONAL OFFICER, or deputy sheriff is
8 suffering from heart disease or hypertension; and

9 (2) the heart disease or hypertension results in partial or total disability or
10 death.

11 (c) A paid fire fighter or paid fire fighting instructor employed by an airport
12 authority, a county, a fire control district, a municipality, or the State or a volunteer fire
13 fighter, volunteer fire fighting instructor, or a volunteer rescue squad member who is a
14 covered employee under § 9-234 of this title is presumed to be suffering from an
15 occupational disease that was suffered in the line of duty and is compensable under this
16 title if the individual:

17 (1) has leukemia or pancreatic, prostate, rectal, or throat cancer that is
18 caused by contact with a toxic substance that the individual has encountered in the line of
19 duty;

20 (2) has completed at least 5 years of service as a fire fighter, fire fighting
21 instructor, or rescue squad member or in a combination of those jobs in the department
22 where the individual currently is employed or serves;

23 (3) is unable to perform the normal duties of a fire fighter, fire fighting
24 instructor, or rescue squad member in the department where the individual currently is
25 employed or serves because of the cancer or leukemia disability; and

26 (4) in the case of a volunteer fire fighter, volunteer fire fighting instructor,
27 or volunteer rescue squad member, has met a suitable standard of physical examination
28 before becoming a fire fighter, fire fighting instructor, or rescue squad member.

29 (D) A CORRECTIONAL OFFICER, AS DEFINED IN § 18-213 OF THE HEALTH -
30 GENERAL ARTICLE, IS PRESUMED TO BE SUFFERING FROM AN OCCUPATIONAL
31 DISEASE THAT WAS SUFFERED IN THE LINE OF DUTY AND IS COMPENSABLE UNDER
32 THIS TITLE IF:

33 (1) THE INDIVIDUAL HAS:

34 (I) ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS),
35 TUBERCULOSIS, OR HEPATITIS; OR

36 (II) HAS RECEIVED A CONFIRMED POSITIVE HUMAN
37 IMMUNODEFICIENCY VIRUS (HIV) ANTIBODY TEST RESULT.

38 (2) AT THE TIME OF THE INDIVIDUAL'S PHYSICAL EXAMINATION ON
39 ENTERING EMPLOYMENT AS A CORRECTIONAL OFFICER, THE INDIVIDUAL:

3

1 (I) WAS NOT DIAGNOSED WITH AIDS, TUBERCULOSIS, OR
2 HEPATITIS; AND

3 (II) DID NOT HAVE A CONFIRMED POSITIVE HUMAN
4 IMMUNODEFICIENCY VIRUS (HIV) ANTIBODY TEST RESULT.

5 [(d)] (E) (1) Except as provided in paragraph (2) of this subtitle, any paid fire
6 fighter, paid fire fighting instructor, paid police officer, CORRECTIONAL OFFICER, or
7 any Montgomery County deputy sheriff who is eligible for benefits undersubsection (a),
8 (b), [or] (c), OR (D) of this section shall receive the benefits in addition to any benefits
9 that the individual is entitled to receive under the retirement system in which the
10 individual was a participant at the time of the claim.

11 (2) The benefits received under this title shall be adjusted sothat the weekly
12 total of those benefits and retirement benefits does not exceed the weekly salary that was
13 paid to the fire fighter, fire fighting instructor, police officer, CORRECTIONAL OFFICER,
14 or deputy sheriff.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1996.