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**By: Senator Derr**

Introduced and read first time: January 24, 1996

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 30, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Workers' Compensation - Occupational Diseases - Volunteer Advanced LifeSupport**  
3 **Unit Members**

4 FOR the purpose of providing that, under certain circumstances, certain volunteer  
5 advanced life support unit members are presumed to have an occupational disease  
6 that was suffered in the line of duty and is compensable under the workers'  
7 compensation law; ~~providing that, under certain circumstances, certain treatment of~~  
8 ~~certain individuals who are diagnosed with certain diseases is compensable under~~  
9 ~~workers' compensation law;~~ and generally relating to the compensability of  
10 occupational diseases under the workers' compensation law.

11 BY repealing and reenacting, without amendments,  
12 Article - Labor and Employment  
13 Section 9-234(a)  
14 Annotated Code of Maryland  
15 (1991 Volume and 1995 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Labor and Employment  
18 Section 9-503(a) and (c)  
19 Annotated Code of Maryland  
20 (1991 Volume and 1995 Supplement)

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

2

1 **Article - Labor and Employment**

2 9-234.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) (i) "On duty" means:

5 1. fighting a fire;

6 2. performing a duty of a member of an advanced life support  
7 unit or an ambulance, first aid, or rescue squad in a volunteer company;

8 3. except as provided in subparagraph (ii) of this paragraph,  
9 performing a duty that the volunteer company assigns to the member;

10 4. performing a duty that a written bylaw or rule of government  
11 adopted for the volunteer company assigns to the member;

12 5. going to or from performing a duty included under item 1, 2,  
13 3, or 4 of this subparagraph;

14 6. accompanying an accident or fire victim while being  
15 transported to a hospital in a helicopter; or

16 7. returning to the home station of the individual after  
17 accompanying a victim under item (6) of this subparagraph.

18 (ii) "On duty" does not include attendance of a member of a volunteer  
19 company at a social function unless a written bylaw or rule of government adopted for the  
20 volunteer company requires the attendance or participation of the member.

21 (3) "Volunteer company" means:

22 (i) a volunteer advanced life support unit;

23 (ii) a volunteer ambulance company or squad;

24 (iii) a volunteer fire company or department; and

25 (iv) a volunteer rescue company, department, or squad.

26 9-503.

27 (a) ~~(1)~~ A paid fire fighter or paid fire fighting instructor employed by an airport  
28 authority, a county, a fire control district, a municipality, or the State or a volunteer fire  
29 fighter, volunteer fire fighting instructor, [or] volunteer rescue squad member, OR  
30 VOLUNTEER ADVANCED LIFE SUPPORT UNIT MEMBER who is a covered employee  
31 under § 9-234 of this title is presumed to have an occupational disease that was suffered  
32 in the line of duty and is compensable under this title if:

33 ~~{1}~~ ~~(1)~~ the individual has heart disease, hypertension, or lung disease;

34 ~~{2}~~ ~~(2)~~ the heart disease, hypertension, or lung disease results in partial or  
35 total disability or death; and

1                    ~~{(3)} (HH)~~ in the case of a volunteer fire fighter, volunteer fire fighting  
2 instructor, [or] volunteer rescue squad member, OR VOLUNTEER ADVANCED LIFE  
3 SUPPORT UNIT MEMBER, the individual has met a suitable standard of physical  
4 examination before becoming a fire fighter, fire fighting instructor, [or] rescue squad  
5 member, OR ADVANCED LIFE SUPPORT UNIT MEMBER.

6                    ~~(2) THE GOOD FAITH MEDICAL TREATMENT OF HEART DISEASE,  
7 HYPERTENSION, OR LUNG DISEASE IS COMPENSABLE IF THE INDIVIDUAL:~~

8                    ~~(I) IS A PAID FIRE FIGHTER OR PAID FIRE FIGHTING INSTRUCTOR  
9 EMPLOYED BY AN AIRPORT AUTHORITY, A COUNTY, A FIRE CONTROL DISTRICT, A  
10 MUNICIPALITY, OR THE STATE OR A VOLUNTEER FIRE FIGHTER, VOLUNTEER FIRE  
11 FIGHTING INSTRUCTOR, VOLUNTEER RESCUE SQUAD MEMBER, OR VOLUNTEER  
12 ADVANCED LIFE SUPPORT UNIT MEMBER WHO IS A COVERED EMPLOYEE UNDER §  
13 9-234 OF THIS TITLE; AND~~

14                   ~~(II) WAS DIAGNOSED WHILE ON DUTY, AS DEFINED UNDER §  
15 9-234(A) OF THIS TITLE, WITH HEART DISEASE, HYPERTENSION, OR LUNG DISEASE.~~

16                   (c) A paid fire fighter or paid fire fighting instructor employed by an airport  
17 authority, a county, a fire control district, a municipality, or the State or a volunteer fire  
18 fighter, volunteer fire fighting instructor, [or a] volunteer rescue squad member, OR  
19 VOLUNTEER ADVANCED LIFE SUPPORT UNIT MEMBER who is a covered employee  
20 under § 9-234 of this title is presumed to be suffering from an occupational disease that  
21 was suffered in the line of duty and is compensable under this title if the individual:

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

25                   (2) has completed at least 5 years of service as a fire fighter, fire fighting  
26 instructor, [or] rescue squad member, OR ADVANCED LIFE SUPPORT UNIT MEMBER or  
27 in a combination of those jobs in the department where the individual currently is  
28 employed or serves;

29                   (3) is unable to perform the normal duties of a fire fighter, fire fighting  
30 instructor, [or] rescue squad member, OR ADVANCED LIFE SUPPORT UNIT MEMBER in  
31 the department where the individual currently is employed or serves because of the  
32 cancer or leukemia disability; and

33                   (4) in the case of a volunteer fire fighter, volunteer fire fighting instructor,  
34 [or] volunteer rescue squad member, OR VOLUNTEER ADVANCED LIFE SUPPORT  
35 UNIT MEMBER, has met a suitable standard of physical examination before becoming a  
36 fire fighter, fire fighting instructor, or rescue squad member.

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

