

HOUSE BILL 88

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1998 Regular Session
8lr6044

(PRE-FILED)

By: **Chairman, Economic Matters Committee (Departmental - State Police,
Dept. of)**

Requested: October 8, 1997

Introduced and read first time: January 14, 1998

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Heart and Lung Disease - Presumption - Deputy**
3 **State Fire Marshal**

4 FOR the purpose of adding sworn members of the Office of the State Fire Marshal to
5 the list of individuals that may be presumed under certain circumstances to
6 have an occupational disease that was suffered in the line of duty; and generally
7 relating to occupational diseases under the Maryland Workers' Compensation
8 Act.

9 BY repealing and reenacting, with amendments,
10 Article - Labor and Employment
11 Section 9-503(a), (c), and (d)
12 Annotated Code of Maryland
13 (1991 Volume and 1997 Supplement)

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

16 **Article - Labor and Employment**

17 9-503.

18 (a) A paid fire fighter, [or] paid fire fighting instructor, OR SWORN MEMBER
19 OF THE OFFICE OF THE STATE FIRE MARSHAL employed by an airport authority, a
20 county, a fire control district, a municipality, or the State or a volunteer fire fighter,
21 volunteer fire fighting instructor, volunteer rescue squad member, or volunteer
22 advanced life support unit member who is a covered employee under § 9-234 of this
23 title is presumed to have an occupational disease that was suffered in the line of duty
24 and is compensable under this title if:

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

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

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

8 (c) A paid fire fighter, [or] paid fire fighting instructor, OR A SWORN MEMBER
9 OF THE OFFICE OF THE STATE FIRE MARSHAL employed by an airport authority, a
10 county, a fire control district, a municipality, or the State or a volunteer fire fighter,
11 volunteer fire fighting instructor, volunteer rescue squad member, or volunteer
12 advanced life support unit member who is a covered employee under § 9-234 of this
13 title is presumed to be suffering from an occupational disease that was suffered in the
14 line of duty and is compensable under this title if the individual:

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

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

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

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

31 (d) (1) Except as provided in paragraph (2) of this subsection, any paid fire
32 fighter, paid fire fighting instructor, SWORN MEMBER OF THE OFFICE OF THE STATE
33 FIRE MARSHAL, paid police officer, or any deputy sheriff of Montgomery County or
34 Prince George's County who is eligible for benefits under subsection (a), (b), or (c) of
35 this section shall receive the benefits in addition to any benefits that the individual is
36 entitled to receive under the retirement system in which the individual was a
37 participant at the time of the claim.

38 (2) The benefits received under this title shall be adjusted so that the
39 weekly total of those benefits and retirement benefits does not exceed the weekly
40 salary that was paid to the fire fighter, fire fighting instructor, SWORN MEMBER OF
41 THE OFFICE OF THE STATE FIRE MARSHAL, police officer, or deputy sheriff.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 1998.