

HOUSE BILL 88

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1998 Regular Session  
8lr6044

(PRE-FILED)

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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

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 4, 1998

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CHAPTER \_\_\_\_\_

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

1 advanced life support unit member who is a covered employee under § 9-234 of this  
2 title is presumed to have an occupational disease that was suffered in the line of duty  
3 and is compensable under this title if:

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

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

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

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

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

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

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

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

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

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

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