

HOUSE BILL 861

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1998 Regular Session
8r1436
CF 8r2402

By: **Delegates Exum, D. Davis, Gordon, Pendergrass, Kirk, Frank, Barve,
and Boston**

Introduced and read first time: February 12, 1998

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 28, 1998

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation - Public Safety Employees**

3 FOR the purpose of clarifying that certain workers' compensation benefits received by
4 certain public safety employees supplement certain retirement benefits;
5 providing for the application of this Act; and generally relating to workers'
6 compensation and retirement benefits.

7 BY repealing and reenacting, with amendments,
8 Article - Labor and Employment
9 Section 9-503
10 Annotated Code of Maryland
11 (1991 Volume and 1997 Supplement)

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

14 **Article - Labor and Employment**

15 9-503.

16 (a) 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
18 fire fighter, volunteer fire fighting instructor, volunteer rescue squad member, or
19 volunteer advanced life support unit member who is a covered employee under §
20 9-234 of this title is presumed to have an occupational disease that was suffered in
21 the line of duty and is compensable under this title if:

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

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

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

9 (b) (1) A paid police officer employed by an airport authority, a county, the
10 Maryland-National Capital Park and Planning Commission, a municipality, or the
11 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this
12 subsection, a Prince George's County deputy sheriff is presumed to be suffering from
13 an occupational disease that was suffered in the line of duty and is compensable
14 under this title if:

15 (i) the police officer or deputy sheriff is suffering from heart
16 disease or hypertension; and

17 (ii) the heart disease or hypertension results in partial or total
18 disability or death.

19 (2) (i) A Prince George's County deputy sheriff is entitled to the
20 presumption under this subsection only to the extent that the individual suffers from
21 heart disease or hypertension that is more severe than the individual's heart disease
22 or hypertension condition existing prior to the individual's employment as a Prince
23 George's County deputy sheriff.

24 (ii) To be eligible for the presumption under this subsection, a
25 Prince George's County deputy sheriff, as a condition of employment, shall submit to
26 a medical examination to determine any heart disease or hypertension condition
27 existing prior to the individual's employment as a Prince George's County deputy
28 sheriff.

29 (c) A paid fire fighter or paid fire fighting instructor employed by an airport
30 authority, a county, a fire control district, a municipality, or the State or a volunteer
31 fire fighter, volunteer fire fighting instructor, volunteer rescue squad member, or
32 volunteer advanced life support unit member who is a covered employee under §
33 9-234 of this title is presumed to be suffering from an occupational disease that was
34 suffered in the line of duty and is compensable under this title if the individual:

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

38 (2) has completed at least 5 years of service as a fire fighter, fire fighting
39 instructor, rescue squad member, or advanced life support unit member or in a

1 combination of those jobs in the department where the individual currently is
2 employed or serves;

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

7 (4) 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, has met a suitable standard of physical examination before becoming a fire
10 fighter, fire fighting instructor, rescue squad member, or advanced life support unit
11 member.

12 (d) (1) Except as provided in paragraph (2) of this subsection, any paid fire
13 fighter, paid fire fighting instructor, paid police officer, or any deputy sheriff of
14 Montgomery County or Prince George's County who is eligible for benefits under
15 subsection (a), (b), or (c) of this section shall receive the benefits in addition to any
16 benefits that the individual is entitled to receive under the retirement system in
17 which the individual was a participant at the time of the claim.

18 (2) The benefits received under this title shall be adjusted so that the
19 weekly total of those benefits and DISABILITY retirement benefits ~~ARISING FROM AN~~
20 ~~OCCUPATIONAL DISEASE OR MENTAL DISABILITY COVERED UNDER THIS SECTION~~
21 does not exceed the weekly salary that was paid to the fire fighter, fire fighting
22 instructor, police officer, or deputy sheriff.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
24 any claim filed on or after the effective date of this Act.

25 ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 1998.