

SENATE BILL 420

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1999 Regular Session  
(9r2048)

**ENROLLED BILL**  
-- Finance/Economic Matters --

Introduced by **Senators Hafer and Ferguson**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Workers' Compensation - Department of Natural Resources**

3 FOR the purpose of providing that certain employees ~~engaged for fire fighting by~~ of  
4 the Department of Natural Resources are covered employees for the purpose of  
5 workers' compensation benefits; providing that certain paid law enforcement  
6 ~~paid law enforcement~~ employees suffering from Lyme disease are presumed,  
7 under certain circumstances, to have an occupational disease that was suffered  
8 in the line of duty and is compensable in a certain manner; providing for a  
9 certain exemption for certain individuals who object to a certain immunization  
10 for religious reasons; and generally relating to workers' compensation benefits.

11 BY repealing and reenacting, with amendments,  
12 Article - Labor and Employment  
13 Section 9-207 and 9-503  
14 Annotated Code of Maryland  
15 (1991 Volume and 1998 Supplement)

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

3 **Article - Labor and Employment**

4 9-207.

5 (a) A registered crew member, ~~A PAID LAW ENFORCEMENT EMPLOYEE,~~ ~~PAID LAW ENFORCEMENT EMPLOYEE,~~ or an individual engaged for fire fighting by  
6 the Department of Natural Resources is a covered employee.  
7

8 (b) Notwithstanding § 9-203 of this subtitle, an individual engaged for fire  
9 fighting who otherwise would be a covered employee under subsection (a) of this  
10 section is a covered employee even if the fire fighting takes place outside of the State.

11 ~~(c) AN EMPLOYEE WHOSE POSITION REGULARLY PLACES THAT EMPLOYEE IN~~  
12 ~~WOODS, FIELDS, OR GRASSY OUTDOORS IS A COVERED EMPLOYEE.~~

13 ~~(D)~~ (C) Notwithstanding § 9-205 of this subtitle, an individual who  
14 otherwise would be a covered employee under subsection (a) of this section is a  
15 covered employee even if engaged temporarily or part time.

16 ~~(E)~~ ~~(F)~~ (D) For the purpose of this title, the Department of Natural  
17 Resources is the employer of an individual who is a covered employee under this  
18 section.

19 9-503.

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

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

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

30 (3) 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, the individual has met a suitable standard of physical examination before  
33 becoming a fire fighter, fire fighting instructor, rescue squad member, or advanced  
34 life support unit member.

35 (b) (1) A paid police officer employed by an airport authority, a county, the  
36 Maryland-National Capital Park and Planning Commission, a municipality, or the  
37 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this

1 subsection, a Prince George's County deputy sheriff is presumed to be suffering from  
2 an occupational disease that was suffered in the line of duty and is compensable  
3 under this title if:

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

6 (ii) the heart disease or hypertension results in partial or total  
7 disability or death.

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

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

18 (c) A paid fire fighter, paid fire fighting instructor, or a sworn member of the  
19 Office of the State Fire Marshal employed by an airport authority, a county, a fire  
20 control district, a municipality, or the State or a volunteer fire fighter, volunteer fire  
21 fighting instructor, volunteer rescue squad member, or volunteer advanced life  
22 support unit member who is a covered employee under § 9-234 of this title is  
23 presumed to be suffering from an occupational disease that was suffered in the line of  
24 duty and is compensable under this title if the individual:

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

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

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

36 (4) in the case of a volunteer fire fighter, volunteer fire fighting  
37 instructor, volunteer rescue squad member, or volunteer advanced life support unit  
38 member, has met a suitable standard of physical examination before becoming a fire  
39 fighter, fire fighting instructor, rescue squad member, or advanced life support unit  
40 member.

1 (D) ~~(I)~~ A PAID LAW ENFORCEMENT ~~A PAID LAW ENFORCEMENT AN~~  
 2 EMPLOYEE OF THE DEPARTMENT OF NATURAL RESOURCES WHO IS A COVERED  
 3 EMPLOYEE UNDER § 9-207~~(C)~~ OF THIS TITLE IS PRESUMED TO HAVE AN  
 4 OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE OF DUTY AND IS  
 5 COMPENSABLE UNDER THIS TITLE IF THE EMPLOYEE:

6 ~~(A)~~ (I) IS SUFFERING FROM LYME DISEASE; ~~AND~~

7 ~~(B)~~ (II) WAS NOT SUFFERING FROM LYME DISEASE BEFORE  
 8 ASSIGNMENT TO A POSITION THAT REGULARLY PLACES THE EMPLOYEE IN AN  
 9 ~~OUTDOOR WOODED ENVIRONMENT WOODS, FIELDS, OR GRASSY OUTDOORS AN~~  
 10 OUTDOOR WOODED ENVIRONMENT; AND

11 ~~(C)~~ (III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
 12 DEMONSTRATES THAT THE EMPLOYEE HAD ANY LYME DISEASE VACCINATION  
 13 REQUIRED OR MADE AVAILABLE TO THE EMPLOYEE BY THE DEPARTMENT OF  
 14 NATURAL RESOURCES.

15 (2) THE REQUIREMENT IMPOSED BY PARAGRAPH (1)(III) OF THIS  
 16 SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO OBJECTS TO IMMUNIZATION  
 17 BECAUSE IT CONFLICTS WITH THE INDIVIDUAL'S BONA FIDE RELIGIOUS BELIEFS  
 18 AND PRACTICES.

19 [(d)] (E) (1) Except as provided in paragraph (2) of this subsection, any paid  
 20 fire fighter, paid fire fighting instructor, sworn member of the Office of the State Fire  
 21 Marshal, paid police officer, PAID LAW ENFORCEMENT ~~PAID LAW ENFORCEMENT~~  
 22 EMPLOYEE OF THE DEPARTMENT OF NATURAL RESOURCES, or [any] deputy sheriff  
 23 of Montgomery County or Prince George's County who is eligible for benefits under  
 24 subsection (a), (b), [or] (c), OR (D) of this section shall receive the benefits in addition  
 25 to any benefits that the individual is entitled to receive under the retirement system  
 26 in which the individual was a participant at the time of the claim.

27 (2) The benefits received under this title shall be adjusted so that the  
 28 weekly total of those benefits and retirement benefits does not exceed the weekly  
 29 salary that was paid to the PAID LAW ENFORCEMENT EMPLOYEE OF THE  
 30 DEPARTMENT OF NATURAL RESOURCES, fire fighter, fire fighting instructor, sworn  
 31 member of the Office of the State Fire Marshal, police officer, or deputy sheriff.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 33 October 1, 1999.

