

SENATE BILL 420

Unofficial Copy
K1
HB 1287/98 - HRU

1999 Regular Session
9lr2048
CF 9lr1137

By: **Senators Hafer and Ferguson**

Introduced and read first time: February 5, 1999

Assigned to: Finance

A BILL ENTITLED

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 the
4 Department of Natural Resources are covered employees for the purpose of
5 workers' compensation benefits; providing that certain paid law enforcement
6 employees suffering from Lyme disease are presumed, under certain
7 circumstances, to have an occupational disease that was suffered in the line of
8 duty and is compensable in a certain manner; and generally relating to workers'
9 compensation benefits.

10 BY repealing and reenacting, with amendments,

11 Article - Labor and Employment

12 Section 9-207 and 9-503

13 Annotated Code of Maryland

14 (1991 Volume and 1998 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Labor and Employment**

18 9-207.

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

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

25 (c) Notwithstanding § 9-205 of this subtitle, an individual who otherwise
26 would be a covered employee under subsection (a) of this section is a covered employee
27 even if engaged temporarily or part time.

1 (d) For the purpose of this title, the Department of Natural Resources is the
2 employer of an individual who is a covered employee under this section.

3 9-503.

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

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

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

14 (3) in the case of a volunteer fire fighter, volunteer fire fighting
15 instructor, volunteer rescue squad member, or volunteer advanced life support unit
16 member, the individual has met a suitable standard of physical examination before
17 becoming a fire fighter, fire fighting instructor, rescue squad member, or advanced
18 life support unit member.

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

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

27 (ii) the heart disease or hypertension results in partial or total
28 disability or death.

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

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

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

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

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

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

19 (4) in the case of a volunteer fire fighter, volunteer fire fighting
20 instructor, volunteer rescue squad member, or volunteer advanced life support unit
21 member, has met a suitable standard of physical examination before becoming a fire
22 fighter, fire fighting instructor, rescue squad member, or advanced life support unit
23 member.

24 (D) A PAID LAW ENFORCEMENT EMPLOYEE OF THE DEPARTMENT OF
25 NATURAL RESOURCES WHO IS A COVERED EMPLOYEE UNDER § 9-207 OF THIS TITLE
26 IS PRESUMED TO HAVE AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE
27 LINE OF DUTY AND IS COMPENSABLE UNDER THIS TITLE IF THE EMPLOYEE:

28 (1) IS SUFFERING FROM LYME DISEASE; AND

29 (2) WAS NOT SUFFERING FROM LYME DISEASE BEFORE ASSIGNMENT TO
30 A POSITION THAT REGULARLY PLACES THE EMPLOYEE IN AN OUTDOOR WOODED
31 ENVIRONMENT.

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

40 (2) The benefits received under this title shall be adjusted so that the
41 weekly total of those benefits and retirement benefits does not exceed the weekly

1 salary that was paid to the fire fighter, fire fighting instructor, sworn member of the
2 Office of the State Fire Marshal, police officer, or deputy sheriff.

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