

SENATE BILL 420

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HB 1287/98 - HRU

1999 Regular Session  
9lr2048  
CF 9lr1137

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By: **Senators Hafer and Ferguson**  
Introduced and read first time: February 5, 1999  
Assigned to: Finance

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 9, 1999

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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 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.

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

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

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

9 (4) (E) For the purpose of this title, the Department of Natural Resources is  
10 the employer of an individual who is a covered employee under this section.

11 9-503.

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

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

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

22 (3) in the case of a volunteer fire fighter, volunteer fire fighting  
23 instructor, volunteer rescue squad member, or volunteer advanced life support unit  
24 member, the individual has met a suitable standard of physical examination before  
25 becoming a fire fighter, fire fighting instructor, rescue squad member, or advanced  
26 life support unit member.

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

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

35 (ii) the heart disease or hypertension results in partial or total  
36 disability or death.

37 (2) (i) A Prince George's County deputy sheriff is entitled to the  
38 presumption under this subsection only to the extent that the individual suffers from

1 heart disease or hypertension that is more severe than the individual's heart disease  
2 or hypertension condition existing prior to the individual's employment as a Prince  
3 George's County deputy sheriff.

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

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

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

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

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

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

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

36 (1) IS SUFFERING FROM LYME DISEASE; ~~AND~~

37 (2) WAS NOT SUFFERING FROM LYME DISEASE BEFORE ASSIGNMENT TO  
38 A POSITION THAT REGULARLY PLACES THE EMPLOYEE IN ~~AN OUTDOOR-WOODED~~  
39 ENVIRONMENT WOODS, FIELDS, OR GRASSY OUTDOORS; AND

1           (3)     DEMONSTRATES THAT THE EMPLOYEE HAD ANY LYME DISEASE  
2 VACCINATION REQUIRED OR MADE AVAILABLE TO THE EMPLOYEE BY THE  
3 DEPARTMENT OF NATURAL RESOURCES.

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

12           (2)     The benefits received under this title shall be adjusted so that the  
13 weekly total of those benefits and retirement benefits does not exceed the weekly  
14 salary that was paid to the fire fighter, fire fighting instructor, sworn member of the  
15 Office of the State Fire Marshal, police officer, or deputy sheriff.

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