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By: **Delegates Sophocleus, Boschert, Cadden, Costa, DeBoy, Dumais, Dwyer,  
Edwards, Feldman, Frank, Frush, Gaines, Glassman, Howard, Hubbard,  
Jones, Kelly, Leopold, McConkey, McHale, Menes, Paige, Parker,  
Rzepkowski, and Walkup**

Introduced and read first time: February 7, 2003

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Heart Disease or Hypertension Presumption -**  
3 **Anne Arundel County Deputy Sheriffs**

4 FOR the purpose of extending the presumption of compensability under the workers'  
5 compensation law to include Anne Arundel County deputy sheriffs who suffer  
6 from heart disease or hypertension resulting in partial or total disability or  
7 death; requiring that, subject to a certain limitation, workers' compensation  
8 benefits received under this Act are in addition to certain retirement benefits;  
9 and generally relating to the extension of the presumption of compensability  
10 under the workers' compensation law to include Anne Arundel County deputy  
11 sheriffs.

12 BY repealing and reenacting, with amendments,  
13 Article - Labor and Employment  
14 Section 9-503  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2002 Supplement)

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

19 **Article - Labor and Employment**

20 9-503.

21 (a) A paid firefighter, paid fire fighting instructor, or sworn member of the  
22 Office of the State Fire Marshal employed by an airport authority, a county, a fire  
23 control district, a municipality, or the State or a volunteer firefighter, volunteer fire  
24 fighting instructor, volunteer rescue squad member, or volunteer advanced life  
25 support unit member who is a covered employee under § 9-234 of this title is  
26 presumed to have an occupational disease that was suffered in the line of duty and is  
27 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 firefighter, 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 firefighter, fire fighting instructor, rescue squad member, or advanced life  
8 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, A DEPUTY SHERIFF OF ANNE ARUNDEL  
12 COUNTY, or, subject to paragraph (2) of this subsection, a Prince George's County  
13 deputy sheriff or Prince George's County correctional officer is presumed to be  
14 suffering from an occupational disease that was suffered in the line of duty and is  
15 compensable under this title if:

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

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

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

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

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

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

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

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

9           (4)       in the case of a volunteer firefighter, volunteer fire fighting  
10 instructor, volunteer rescue squad member, or volunteer advanced life support unit  
11 member, has met a suitable standard of physical examination before becoming a  
12 firefighter, fire fighting instructor, rescue squad member, or advanced life support  
13 unit member.

14       (d)       (1)       A paid law enforcement employee of the Department of Natural  
15 Resources who is a covered employee under § 9-207 of this title is presumed to have  
16 an occupational disease that was suffered in the line of duty and is compensable  
17 under this title if the employee:

18                   (i)       is suffering from Lyme disease;

19                   (ii)       was not suffering from Lyme disease before assignment to a  
20 position that regularly places the employee in an outdoor wooded environment; and

21                   (iii)       except as provided in paragraph (2) of this subsection,  
22 demonstrates that the employee had any Lyme disease vaccination required or made  
23 available to the employee by the Department of Natural Resources.

24           (2)       The requirement imposed by paragraph (1)(iii) of this subsection does  
25 not apply to an individual who objects to immunization because it conflicts with the  
26 individual's bona fide religious beliefs and practices.

27       (e)       (1)       Except as provided in paragraph (2) of this subsection, any paid  
28 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire  
29 Marshal, paid police officer, paid law enforcement employee of the Department of  
30 Natural Resources, deputy sheriff of Montgomery County, DEPUTY SHERIFF OF ANNE  
31 ARUNDEL COUNTY, deputy sheriff of Prince George's County, or Prince George's  
32 County correctional officer who is eligible for benefits under subsection (a), (b), (c), or  
33 (d) of this section shall receive the benefits in addition to any benefits that the  
34 individual is entitled to receive under the retirement system in which the individual  
35 was a participant at the time of the claim.

36           (2)       The benefits received under this title shall be adjusted so that the  
37 weekly total of those benefits and retirement benefits does not exceed the weekly  
38 salary that was paid to the paid law enforcement employee of the Department of  
39 Natural Resources, firefighter, fire fighting instructor, sworn member of the Office of  
40 the State Fire Marshal, police officer, deputy sheriff, or Prince George's County  
41 correctional officer.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect October 1, 2003.