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By: **Delegate Love**

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 30, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2                                   **Workers' Compensation - Occupational Disease - Anne Arundel County**  
3                                   **Deputy Sheriffs**

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

14 BY repealing and reenacting, with amendments,  
15    Article - Labor and Employment  
16    Section 9-503(b) and (e)  
17    Annotated Code of Maryland  
18    (1999 Replacement Volume and 2004 Supplement)

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

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**Article - Labor and Employment**

2 9-503.

3 (b) (1) A paid police officer employed by an airport authority, a county, the  
4 Maryland-National Capital Park and Planning Commission, a municipality, or the  
5 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this  
6 subsection, A DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY, a deputy sheriff of  
7 Baltimore City, A Prince George's County deputy sheriff, or A Prince George's County  
8 correctional officer is presumed to be suffering from an occupational disease that was  
9 suffered in the line of duty and is compensable under this title if:

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

12 (ii) the heart disease or hypertension results in partial or total  
13 disability or death.

14 (2) (i) A DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY, A deputy  
15 sheriff of Baltimore City, A Prince George's County deputy sheriff, or A Prince  
16 George's County correctional officer is entitled to the presumption under this  
17 subsection only to the extent that the individual suffers from heart disease or  
18 hypertension that is more severe than the individual's heart disease or hypertension  
19 condition existing prior to the individual's employment as a deputy sheriff of ANNE  
20 ARUNDEL COUNTY, Baltimore City, OR Prince George's County [deputy sheriff], or AS  
21 A Prince George's County correctional officer.

22 (ii) To be eligible for the presumption under this subsection, A  
23 DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY, a deputy sheriff of Baltimore City, A  
24 Prince George's County deputy sheriff, or A Prince George's County correctional  
25 officer, as a condition of employment, shall submit to a medical examination to  
26 determine any heart disease or hypertension condition existing prior to the  
27 individual's employment as A DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY, a deputy  
28 sheriff of Baltimore City, A Prince George's County deputy sheriff, or A Prince  
29 George's County correctional officer.

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

39 (2) The benefits received under this title shall be adjusted so that the  
40 weekly total of those benefits and retirement benefits does not exceed the weekly  
41 salary that was paid to the paid law enforcement employee of the Department of  
42 Natural Resources, firefighter, fire fighting instructor, sworn member of the Office of

1 the State Fire Marshal, police officer, deputy sheriff, or Prince George's County  
2 correctional officer.

3 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the  
4 provisions of § 9-503(b)(2) of the Labor and Employment Article, as enacted by  
5 Section 1 of this Act, an Anne Arundel County deputy sheriff who is employed on or  
6 before September 30, 2005:

7 (1) as a condition of continued employment shall provide to the Anne  
8 Arundel County Sheriff on or before December 31, 2005, a copy of a baseline medical  
9 report disclosing and describing any existing heart disease or hypertension from  
10 which the deputy sheriff may be suffering; and

11 (2) is entitled to the presumption under § 9-503(b)(2) of the Labor and  
12 Employment Article, as enacted by Section 1 of this Act, only to the extent that the  
13 individual suffers from heart disease or hypertension that is more severe than the  
14 individual's heart disease or hypertension condition existing as of the date of the  
15 medical report provided under paragraph (1) of this section.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2005.