

HOUSE BILL 1117

K1

71r2652
CF SB 752

By: **Delegates Kirk, Anderson, Benson, Conaway, Glenn, Hammen, Harrison, Haynes, Krysiak, McHale, McIntosh, O'Donnell, Robinson, Rosenberg, and ~~Stukes~~ Stukes, Braveboy, Vaughn, and Manno**

Introduced and read first time: February 16, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, February 26, 2007

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2007

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation - Benefits for Dependents**

3 FOR the purpose of clarifying that surviving dependents of certain individuals are
4 eligible to receive the same workers' compensation benefits as the individual
5 received at the time of death; and generally relating to workers' compensation
6 benefits for dependents.

7 BY repealing and reenacting, with amendments,
8 Article - Labor and Employment
9 Section 9-503
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 2006 Supplement)

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

14 **Article - Labor and Employment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9-503.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (1) is suffering from Lyme disease; and

1 (2) was not suffering from Lyme disease before assignment to a
2 position that regularly places the employee in an outdoor wooded environment.

3 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
4 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire
5 Marshal, paid police officer, paid law enforcement employee of the Department of
6 Natural Resources, deputy sheriff of Montgomery County, deputy sheriff of Baltimore
7 City, Montgomery County correctional officer, deputy sheriff of Prince George’s
8 County, or Prince George’s County correctional officer who is eligible for benefits
9 under subsection (a), (b), (c), or (d) of this section **OR THE DEPENDENTS OF THOSE**
10 **INDIVIDUALS** shall receive the benefits in addition to any benefits that the individual
11 **OR THE DEPENDENTS OF THE INDIVIDUAL** is entitled to receive under the
12 retirement system in which the individual was a participant at the time of the claim.

13 (2) The benefits received under this title shall be adjusted so that the
14 weekly total of those benefits and retirement benefits does not exceed the weekly
15 salary that was paid to the paid law enforcement employee of the Department of
16 Natural Resources, firefighter, fire fighting instructor, sworn member of the Office of
17 the State Fire Marshal, police officer, deputy sheriff, or Prince George’s County or
18 Montgomery County correctional officer.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.