

# HOUSE BILL 1154

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HB 1265/05 – ECM

71r2805

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By: **Delegate Love**  
Introduced and read first time: February 19, 2007  
Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

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 2006 Supplement)

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

21 **Article – Labor and Employment**

22 9–503.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

13 (2) (i) **A DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY, A**  
14 deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince  
15 George’s County deputy sheriff, or Prince George’s County correctional officer is  
16 entitled to the presumption under this subsection only to the extent that the  
17 individual suffers from heart disease or hypertension that is more severe than the  
18 individual’s heart disease or hypertension condition existing prior to the individual’s  
19 employment as a deputy sheriff of Baltimore City, Montgomery County correctional  
20 officer, Prince George’s County deputy sheriff, or Prince George’s County correctional  
21 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,  
24 Montgomery County correctional officer, Prince George’s County deputy sheriff, or  
25 Prince George’s County correctional officer, as a condition of employment, shall submit  
26 to a medical examination to determine any heart disease or hypertension condition  
27 existing prior to the individual’s employment as a **DEPUTY SHERIFF OF ANNE**  
28 **ARUNDEL COUNTY**, deputy sheriff of Baltimore City, Montgomery County  
29 correctional officer, Prince George’s County deputy sheriff, or Prince George’s County  
30 correctional officer.

31 (e) (1) Except as provided in paragraph (2) of this subsection, any paid  
32 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire  
33 Marshal, paid police officer, paid law enforcement employee of the Department of  
34 Natural Resources, **DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY**, deputy sheriff  
35 of Montgomery County, deputy sheriff of Baltimore City, Montgomery County  
36 correctional officer, deputy sheriff of Prince George’s County, or Prince George’s

1 County correctional officer who is eligible for benefits under subsection (a), (b), (c), or  
2 (d) of this section shall receive the benefits in addition to any benefits that the  
3 individual is entitled to receive under the retirement system in which the individual  
4 was a participant at the time of the claim.

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the  
12 provisions of § 9-503(b)(2) of the Labor and Employment Article, as enacted by Section  
13 1 of this Act, an Anne Arundel County deputy sheriff who is employed on or before  
14 September 30, 2007:

15 (1) as a condition of continued employment, shall provide to the Anne  
16 Arundel County Sheriff on or before December 31, 2007, a copy of a baseline medical  
17 report disclosing and describing any existing heart disease or hypertension from which  
18 the deputy sheriff may be suffering; and

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

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2007.