

# SENATE BILL 752

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By: **Senator Exum**

Introduced and read first time: February 12, 2007

Assigned to: Rules

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## A BILL ENTITLED

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**

15 9-503.

16 (a) A paid firefighter, paid fire fighting instructor, or sworn member of the  
17 Office of the State Fire Marshal employed by an airport authority, a county, a fire  
18 control district, a municipality, or the State or a volunteer firefighter, volunteer fire  
19 fighting instructor, volunteer rescue squad member, or volunteer advanced life  
20 support unit member who is a covered employee under § 9-234 of this title is

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 presumed to have an occupational disease that was suffered in the line of duty and is  
2 compensable under this title if:

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

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

6 (3) in the case of a volunteer firefighter, volunteer fire fighting  
7 instructor, volunteer rescue squad member, or volunteer advanced life support unit  
8 member, the individual has met a suitable standard of physical examination before  
9 becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life  
10 support unit member.

11 (b) (1) A paid police officer employed by an airport authority, a county,  
12 the Maryland–National Capital Park and Planning Commission, a municipality, or the  
13 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this  
14 subsection, a deputy sheriff of Baltimore City, Montgomery County correctional officer,  
15 Prince George’s County deputy sheriff, or Prince George’s County correctional officer is  
16 presumed to be suffering from an occupational disease that was suffered in the line of  
17 duty and is compensable under this title if:

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

20 (ii) the heart disease or hypertension results in partial or total  
21 disability or death.

22 (2) (i) A deputy sheriff of Baltimore City, Montgomery County  
23 correctional officer, Prince George’s County deputy sheriff, or Prince George’s County  
24 correctional officer is entitled to the presumption under this subsection only to the  
25 extent that the individual suffers from heart disease or hypertension that is more  
26 severe than the individual’s heart disease or hypertension condition existing prior to  
27 the individual’s employment as a deputy sheriff of Baltimore City, Montgomery  
28 County correctional officer, Prince George’s County deputy sheriff, or Prince George’s  
29 County correctional officer.

30 (ii) To be eligible for the presumption under this subsection, a  
31 deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince  
32 George’s County deputy sheriff, or Prince George’s County correctional officer, as a  
33 condition of employment, shall submit to a medical examination to determine any  
34 heart disease or hypertension condition existing prior to the individual’s employment

1 as a deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince  
2 George's County deputy sheriff, or Prince George's County correctional officer.

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

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

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

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

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

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

30 (1) is suffering from Lyme disease; and

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

33 (e) (1) Except as provided in paragraph (2) of this subsection, any paid  
34 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire

1 Marshal, paid police officer, paid law enforcement employee of the Department of  
2 Natural Resources, deputy sheriff of Montgomery County, deputy sheriff of Baltimore  
3 City, Montgomery County correctional officer, deputy sheriff of Prince George's  
4 County, or Prince George's County correctional officer who is eligible for benefits  
5 under subsection (a), (b), (c), or (d) of this section **OR THE DEPENDENTS OF THOSE**  
6 **INDIVIDUALS** shall receive the benefits in addition to any benefits that the individual  
7 **OR THE DEPENDENTS OF THE INDIVIDUAL** is entitled to receive under the  
8 retirement system in which the individual was a participant at the time of the claim.

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

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