

SENATE BILL 752

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By: **Senator Exum**

Introduced and read first time: February 12, 2007

Assigned to: Rules

Re-referred to: Finance, February 16, 2007

Committee Report: Favorable

Senate 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**

15 9–503.

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

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

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

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

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

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

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

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

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.

President of the Senate.

Speaker of the House of Delegates.