

HOUSE BILL 1443

K1
SB 743/08 – FIN

9lr3308

By: **Delegate Hubbard**

Introduced and read first time: February 26, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Law Enforcement Officers – Lyme Disease**
3 **Presumption**

4 FOR the purpose of applying the occupational disease presumption under the workers'
5 compensation law to certain law enforcement officers who contract Lyme
6 disease under certain circumstances; providing that certain law enforcement
7 officers who are eligible for benefits under this Act shall receive the benefits in
8 addition to certain retirement benefits, subject to a certain adjustment; making
9 certain conforming changes; defining a certain term; and generally relating to
10 the occupational disease presumption for Lyme disease under the workers'
11 compensation law.

12 BY repealing and reenacting, with amendments,
13 Article – Labor and Employment
14 Section 9–503(d) and (e)
15 Annotated Code of Maryland
16 (2008 Replacement Volume)

17 BY repealing and reenacting, without amendments,
18 Article – Public Safety
19 Section 3–101(e)
20 Annotated Code of Maryland
21 (2003 Volume and 2008 Supplement)

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

24 **Article – Labor and Employment**

25 9–503.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) (1) IN THIS SUBSECTION AND SUBSECTION (E) OF THIS SECTION,
2 "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101(E)(1) OF
3 THE PUBLIC SAFETY ARTICLE WITHOUT THE APPLICATION OF § 3-101(E)(2).

4 [(1)] (2) A paid law enforcement employee of the Department of
5 Natural Resources who is a covered employee under § 9-207 of this title, [and] a park
6 police officer of the Maryland-National Capital Park and Planning Commission, OR A
7 LAW ENFORCEMENT OFFICER is presumed to have an occupational disease that was
8 suffered in the line of duty and is compensable under this title if the employee:

9 (i) is suffering from Lyme disease; and

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

12 [(2)] (3) The presumption under this subsection for a park police
13 officer of the Maryland-National Capital Park and Planning Commission shall only
14 apply:

15 (i) during the time that the park police officer is assigned to a
16 position that regularly places the park police officer in an outdoor wooded
17 environment; and

18 (ii) for 3 years after the last date that the park police officer was
19 assigned by the Maryland-National Capital Park and Planning Commission to a
20 position that regularly placed the officer in an outdoor wooded environment.

21 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
22 firefighter, paid fire fighting instructor, [sworn member of the Office of the State Fire
23 Marshal, paid police officer,] paid law enforcement employee of the Department of
24 Natural Resources, a park police officer of the Maryland-National Capital Park and
25 Planning Commission, [deputy sheriff of Montgomery County, deputy sheriff of
26 Baltimore City,] LAW ENFORCEMENT OFFICER, Montgomery County correctional
27 officer, [deputy sheriff of Prince George's County,] or Prince George's County
28 correctional officer who is eligible for benefits under subsection (a), (b), (c), or (d) of
29 this section or the dependents of those individuals shall receive the benefits in
30 addition to any benefits that the individual or the dependents of the individual is
31 entitled to receive under the retirement system in which the individual was a
32 participant at the time of the claim.

33 (2) The benefits received under this title shall be adjusted so that the
34 weekly total of those benefits and retirement benefits does not exceed the weekly
35 salary that was paid to the paid law enforcement employee of the Department of
36 Natural Resources, a park police officer of the Maryland-National Capital Park and
37 Planning Commission, firefighter, fire fighting instructor, [sworn member of the Office

1 of the State Fire Marshal, police officer, deputy sheriff,] **LAW ENFORCEMENT**
2 **OFFICER**, or Prince George’s County or Montgomery County correctional officer.

3 **Article – Public Safety**

4 3–101.

5 (e) (1) “Law enforcement officer” means an individual who:

6 (i) in an official capacity is authorized by law to make arrests;
7 and

8 (ii) is a member of one of the following law enforcement
9 agencies:

- 10 1. the Department of State Police;
- 11 2. the Police Department of Baltimore City;
- 12 3. the Baltimore City School Police Force;
- 13 4. the Baltimore City Watershed Police Force;
- 14 5. the police department, bureau, or force of a county;
- 15 6. the police department, bureau, or force of a municipal
16 corporation;
- 17 7. the office of the sheriff of a county;
- 18 8. the police department, bureau, or force of a bicounty
19 agency;
- 20 9. the Maryland Transportation Authority Police;
- 21 10. the police forces of the Department of Transportation;
- 22 11. the police forces of the Department of Natural
23 Resources;
- 24 12. the Field Enforcement Bureau of the Comptroller’s
25 Office;
- 26 13. the Housing Authority of Baltimore City Police Force;
- 27 14. the Crofton Police Department;

- 1
2 Mental Hygiene;
- 3
4 Services;
- 5
6 and Regulation;
- 7
8 Maryland;
- 9
- 10
- 11
- 12
13 College.
15. the police force of the Department of Health and
16. the police force of the Department of General
17. the police force of the Department of Labor, Licensing,
18. the police forces of the University System of
19. the police force of Morgan State University;
20. the office of State Fire Marshal;
21. the Ocean Pines Police Department; or
22. the police force of the Baltimore City Community

14 (2) "Law enforcement officer" does not include:

15 (i) an individual who serves at the pleasure of the Police
16 Commissioner of Baltimore City;

17 (ii) an individual who serves at the pleasure of the appointing
18 authority of a charter county;

19 (iii) the police chief of a municipal corporation;

20 (iv) an officer who is in probationary status on initial entry into
21 the law enforcement agency except if an allegation of brutality in the execution of the
22 officer's duties is made;

23 (v) a Montgomery County fire and explosive investigator as
24 defined in § 2-208.1 of the Criminal Procedure Article;

25 (vi) an Anne Arundel County or City of Annapolis fire and
26 explosive investigator as defined in § 2-208.2 of the Criminal Procedure Article;

27 (vii) a Prince George's County fire and explosive investigator as
28 defined in § 2-208.3 of the Criminal Procedure Article;

29 (viii) a Worcester County fire and explosive investigator as
30 defined in § 2-208.4 of the Criminal Procedure Article; or

1 (ix) a City of Hagerstown fire and explosive investigator as
2 defined in § 2-208.5 of the Criminal Procedure Article.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2009.