

# SENATE BILL 135

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CF HB 173

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By: **Senator Astle**

Introduced and read first time: January 28, 2015

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 24, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Workers' Compensation – Heart Disease and Hypertension Presumption – Anne**  
3 **Arundel County ~~Correctional~~ Detention Officers**

4 FOR the purpose of extending the presumption of compensability under the workers'  
5 compensation law to include, subject to certain conditions, Anne Arundel County  
6 ~~correctional~~ detention officers who suffer from heart disease or hypertension  
7 resulting in partial or total disability or death; requiring Anne Arundel County  
8 ~~correctional~~ detention officers to submit certain medical disclosures to a certain  
9 official; providing that, subject to a certain limitation, workers' compensation  
10 benefits received under this Act are in addition to certain retirement benefits;  
11 altering the definition of "public safety employee" to include Anne Arundel County  
12 ~~correctional~~ detention officers for the purposes of determining certain compensation;  
13 providing for the application of certain provisions of this Act; and generally relating  
14 to compensability of Anne Arundel County ~~correctional~~ detention officers under the  
15 workers' compensation law.

16 BY repealing and reenacting, with amendments,  
17 Article – Labor and Employment  
18 Section 9–503(b) and (e) and 9–628(a)  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2014 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Labor and Employment  
23 Section 9–628(h)

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### 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 Annotated Code of Maryland  
2 (2008 Replacement Volume and 2014 Supplement)

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

5 **Article – Labor and Employment**

6 9–503.

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

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

17 (ii) the heart disease or hypertension results in partial or total  
18 disability or death.

19 (2) (i) A deputy sheriff of Anne Arundel County, ~~ANNE ARUNDEL~~  
20 ~~COUNTY CORRECTIONAL~~ DETENTION OFFICER, [a] deputy sheriff of Baltimore City,  
21 Montgomery County correctional officer, Prince George’s County deputy sheriff, or Prince  
22 George’s County correctional officer is entitled to the presumption under this subsection  
23 only to the extent that the individual suffers from heart disease or hypertension that is  
24 more severe than the individual’s heart disease or hypertension condition existing prior to  
25 the individual’s employment as a deputy sheriff of Anne Arundel County, ~~ANNE ARUNDEL~~  
26 ~~COUNTY CORRECTIONAL~~ DETENTION OFFICER, deputy sheriff of Baltimore City,  
27 Montgomery County correctional officer, Prince George’s County deputy sheriff, or Prince  
28 George’s County correctional officer.

29 (ii) To be eligible for the presumption under this subsection, a deputy  
30 sheriff of Anne Arundel County, ~~ANNE ARUNDEL COUNTY CORRECTIONAL~~ DETENTION  
31 OFFICER, [a] deputy sheriff of Baltimore City, Montgomery County correctional officer,  
32 Prince 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 heart  
34 disease or hypertension condition existing prior to the individual’s employment as a deputy  
35 sheriff of Anne Arundel County, ~~ANNE ARUNDEL COUNTY CORRECTIONAL~~ DETENTION  
36 OFFICER, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince  
37 George’s County deputy sheriff, or Prince George’s County correctional officer.

1 (e) (1) Except as provided in paragraph (2) of this subsection, any paid  
 2 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire  
 3 Marshal, paid police officer, paid law enforcement employee of the Department of Natural  
 4 Resources, deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY**  
 5 ~~CORRECTIONAL DETENTION OFFICER~~, park police officer or employee of the  
 6 Maryland–National Capital Park and Planning Commission, deputy sheriff of Montgomery  
 7 County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy  
 8 sheriff of Prince George’s County, or Prince George’s County correctional officer who is  
 9 eligible for benefits under subsection (a), (b), (c), or (d) of this section or the dependents of  
 10 those individuals shall receive the benefits in addition to any benefits that the individual  
 11 or the dependents of the individual are entitled to receive under the retirement system in  
 12 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 salary  
 15 that was paid to the paid law enforcement employee of the Department of Natural  
 16 Resources, a park police officer or employee of the Maryland–National Capital Park and  
 17 Planning Commission, firefighter, fire fighting instructor, sworn member of the Office of  
 18 the State Fire Marshal, police officer, deputy sheriff, [or] Prince George’s County or  
 19 Montgomery County correctional officer, **OR ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~**  
 20 **DETENTION OFFICER**.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
 22 as follows:

### 23 Article – Labor and Employment

24 9–628.

25 (a) In this section, “public safety employee” means:

26 (1) a firefighter, fire fighting instructor, or paramedic employed by:

27 (i) a municipal corporation;

28 (ii) a county;

29 (iii) the State;

30 (iv) the State Airport Authority; or

31 (v) a fire control district;

32 (2) a volunteer firefighter or volunteer ambulance, rescue, or advanced life  
 33 support worker who is a covered employee under § 9–234 of this title and who provides  
 34 volunteer fire or rescue services to:

1 (i) a municipal corporation;

2 (ii) a county;

3 (iii) the State;

4 (iv) the State Airport Authority; or

5 (v) a fire control district;

6 (3) a police officer employed by:

7 (i) a municipal corporation;

8 (ii) a county;

9 (iii) the State;

10 (iv) the State Airport Authority;

11 (v) the Maryland–National Capital Park and Planning Commission;

12 or

13 (vi) the Washington Metropolitan Area Transit Authority;

14 (4) a Prince George’s County deputy sheriff or correctional officer;

15 (5) a Montgomery County deputy sheriff or correctional officer;

16 (6) an Allegany County deputy sheriff;

17 (7) a Howard County deputy sheriff, but only when the deputy sheriff is  
 18 performing law enforcement duties expressly requested, defined, and authorized in  
 19 accordance with a written memorandum of understanding executed between the Howard  
 20 County Sheriff and other law enforcement agencies; or

21 (8) an Anne Arundel County deputy sheriff **OR ~~CORRECTIONAL~~**  
 22 **DETENTION OFFICER.**

23 (h) If a public safety employee is awarded compensation for less than 75 weeks,  
 24 the employer or its insurer shall pay the public safety employee compensation at the rate  
 25 set for an award of compensation for a period greater than or equal to 75 weeks but less  
 26 than 250 weeks under § 9–629 of this subtitle.

27 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the  
 28 provisions of § 9–503(b)(2) of the Labor and Employment Article, as enacted by Section 1 of

1 this Act, an Anne Arundel County ~~correctional~~ detention officer who is employed on or  
2 before September 30, 2015:

3 (1) As a condition of continued employment shall provide to the Anne  
4 Arundel County ~~Sheriff~~ Superintendent of Detention Facilities on or before December 31,  
5 2015, a copy of a medical report disclosing and describing any existing heart disease or  
6 hypertension from which the ~~correctional~~ detention officer may be suffering; and

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

12 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be  
13 construed to apply only prospectively and may not be applied or interpreted to have any  
14 effect on or application to any claims arising from events occurring before the effective date  
15 of this Act.

16 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.