

SENATE BILL 646

K1

9lr2234  
CF HB 604

---

By: **Senators Klausmeier, Benson, Elfreth, Guzzone, Hayes, Hester, McCray, Peters, and Washington**

Introduced and read first time: February 4, 2019

Assigned to: Finance

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2019

Returned to second reading: March 20, 2019

Senate action: Adopted with floor amendments

Read second time: March 20, 2019

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Workers' Compensation – Medical Presumptions for Diseases and Cancer –**  
3 **Eligibility**  
4 **(Firefighter Jesse McCollough's McCullough's Cancer Protection Law)**

5 FOR the purpose of altering the circumstances under which certain firefighters, fire  
6 fighting instructors, rescue squad members, advanced life support unit members,  
7 and sworn members of the Office of the State Fire Marshal are presumed to be  
8 suffering from an occupational disease that was suffered in the line of duty and is  
9 compensable under the workers' compensation law; making stylistic changes;  
10 providing for the application of this Act; and generally relating to the occupational  
11 disease presumptions under the workers' compensation law.

12 BY repealing and reenacting, with amendments,  
13 Article – Labor and Employment  
14 Section 9–503(c)  
15 Annotated Code of Maryland  
16 (2016 Replacement Volume and 2018 Supplement)

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

---

**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 **Article – Labor and Employment**

2 9–503.

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

10 (1) **THE INDIVIDUAL** has leukemia or prostate, rectal, throat, multiple  
11 myeloma, non–Hodgkin’s lymphoma, brain, testicular, or breast cancer that is caused by  
12 contact with a toxic substance that the individual has encountered in the line of duty;

13 (2) **THE INDIVIDUAL** has completed at least 10 years of **CUMULATIVE**  
14 service **WITHIN THE STATE** as a firefighter, A fire fighting instructor, A rescue squad  
15 member, or AN advanced life support unit member or in a combination of those jobs [in the  
16 department where the individual currently is employed or serves]; ~~AND~~

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 department~~  
19 ~~where the individual currently is employed or serves because of the cancer or leukemia~~  
20 ~~disability; and] **THE CANCER OR LEUKEMIA RESULTS IN PARTIAL OR TOTAL**  
21 **DISABILITY OR DEATH; AND**~~

22 ~~[(4)] (3)~~ in the case of a volunteer firefighter, volunteer fire fighting  
23 instructor, volunteer rescue squad member, or volunteer advanced life support unit  
24 member, **THE INDIVIDUAL** has met a suitable standard of physical examination before  
25 becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life  
26 support unit member.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
28 apply only prospectively and may not be applied or interpreted to have any effect on or  
29 application to any claim filed before the effective date of this Act.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2019.