

HOUSE BILL 584

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CF SB 476

By: **The Speaker (By Request – Administration) and Delegates Allen, Amprey, Anderton, Bagnall, Bartlett, Bhandari, Boafo, Bouchat, Boyce, Buckel, Charkoudian, Conaway, Crutchfield, Edelson, Fennell, Foley, Forbes, Fraser–Hidalgo, Griffith, Grossman, Guyton, Harris, Harrison, Henson, Hill, Hornberger, Jackson, A. Johnson, S. Johnson, D. Jones, Kaiser, Kaufman, J. Long, Lopez, Love, McCaskill, T. Morgan, Munoz, Palakovich Carr, Pasteur, Patterson, Phillips, Pruski, Roberson, Roberts, Rogers, Rose, Ruff, Ruth, Simmons, Simpson, Solomon, Stewart, Taveras, Taylor, Toles, Tomlinson, Turner, Valderrama, Watson, Williams, and Ziegler**

Introduced and read first time: January 24, 2024

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 26, 2024

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease Presumptions – First**
3 **Responders**
4 **(Caring for Public Employees in the Safety Professions – CAPES Act)**

5 FOR the purpose of providing that certain first responders who have thyroid, colon, or
6 ovarian cancer are presumed, under certain circumstances, to have an occupational
7 disease that was suffered in the line of duty and is compensable under workers'
8 compensation law; and generally relating to occupational disease presumptions
9 under the workers' compensation law.

10 BY repealing and reenacting, with amendments,
11 Article – Labor and Employment
12 Section 9–503
13 Annotated Code of Maryland
14 (2016 Replacement Volume and 2023 Supplement)

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

3 **Article – Labor and Employment**

4 9–503.

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

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

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

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

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

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

30 (ii) the heart disease or hypertension results in partial or total
31 disability or death.

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

1 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
2 Baltimore City, Montgomery County correctional officer, Prince George's County deputy
3 sheriff, or Prince George's County correctional officer.

4 (ii) To be eligible for the presumption under this subsection, a deputy
5 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
6 Baltimore City, Montgomery County correctional officer, Prince George's County deputy
7 sheriff, or Prince George's County correctional officer, as a condition of employment, shall
8 submit to a medical examination to determine any heart disease or hypertension condition
9 existing prior to the individual's employment as a deputy sheriff of Anne Arundel County,
10 Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery
11 County correctional officer, Prince George's County deputy sheriff, or Prince George's
12 County correctional officer.

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

20 (1) the individual has leukemia or prostate, rectal, throat, multiple
21 myeloma, non-Hodgkin's lymphoma, brain, testicular, bladder, kidney or renal cell,
22 **THYROID, COLON, OVARIAN**, or breast cancer that is caused by contact with a toxic
23 substance that the individual has encountered in the line of duty;

24 (2) the individual has completed at least 10 years of cumulative service
25 within the State as a firefighter, a fire fighting instructor, a rescue squad member, or an
26 advanced life support unit member or in a combination of those jobs;

27 (3) the cancer or leukemia results in partial or total disability or death; and

28 (4) in the case of a volunteer firefighter, volunteer fire fighting instructor,
29 volunteer rescue squad member, or volunteer advanced life support unit member, the
30 individual has met a suitable standard of physical examination before becoming a
31 firefighter, fire fighting instructor, rescue squad member, or advanced life support unit
32 member.

33 (d) (1) A forest ranger, park ranger, wildlife ranger, paid law enforcement
34 employee of the Department of Natural Resources who is a covered employee under §
35 9-207 of this title, and a park police officer of the Maryland-National Capital Park and
36 Planning Commission is presumed to have an occupational disease that was suffered in the
37 line of duty and is compensable under this title if the individual:

38 (i) is suffering from Lyme disease; and

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

3 (2) The presumption under this subsection for a park police officer of the
4 Maryland–National Capital Park and Planning Commission shall only apply:

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

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

11 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
12 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire
13 Marshal, paid police officer, forest ranger, park ranger, wildlife ranger, paid law
14 enforcement employee of the Department of Natural Resources, deputy sheriff of Anne
15 Arundel County, Anne Arundel County detention officer, park police officer of the
16 Maryland–National Capital Park and Planning Commission, deputy sheriff of Montgomery
17 County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy
18 sheriff of Prince George’s County, or Prince George’s County correctional officer who is
19 eligible for benefits under subsection (a), (b), (c), or (d) of this section or the dependents of
20 those individuals shall receive the benefits in addition to any benefits that the individual
21 or the dependents of the individual are entitled to receive under the retirement system in
22 which the individual was a participant at the time of the claim.

23 (2) The benefits received under this title shall be adjusted so that the
24 weekly total of those benefits and retirement benefits does not exceed the weekly salary
25 that was paid to an individual specified under paragraph (1) of this subsection.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.