

SENATE BILL 476

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CF 4r4585

By: **The President (By Request – Administration) and Senators Augustine, Beidle, Brooks, Charles, Corderman, Elfreth, Gile, Hettleman, Lam, Mautz, McKay, Rosapepe, Waldstreicher, and West**

Introduced and read first time: January 22, 2024

Assigned to: Finance

A BILL ENTITLED

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)

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

17 **Article – Labor and Employment**

18 9–503.

19 (a) A paid firefighter, paid fire fighting instructor, paid rescue squad member,
20 paid advanced life support unit member, or sworn member of the Office of the State Fire
21 Marshal employed by an airport authority, a county, a fire control district, a municipality,
22 or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue
23 squad member, or volunteer advanced life support unit member who is a covered employee

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 under § 9–234 of this title is presumed to have an occupational disease that was suffered
2 in the line of duty and is compensable under this title if:

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

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

6 (3) in the case of a volunteer firefighter, volunteer fire fighting instructor,
7 volunteer rescue squad member, or volunteer advanced life support unit member, the
8 individual has met a suitable standard of physical examination before becoming a
9 firefighter, fire fighting instructor, rescue squad member, or advanced life support unit
10 member.

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

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

21 (ii) the heart disease or hypertension results in partial or total
22 disability or death.

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

32 (ii) To be eligible for the presumption under this subsection, a deputy
33 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
34 Baltimore City, Montgomery County correctional officer, Prince George’s County deputy
35 sheriff, or Prince George’s County correctional officer, as a condition of employment, shall
36 submit to a medical examination to determine any heart disease or hypertension condition
37 existing prior to the individual’s employment as a deputy sheriff of Anne Arundel County,
38 Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery

1 County correctional officer, Prince George's County deputy sheriff, or Prince George's
2 County correctional officer.

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:

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

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

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

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

23 (d) (1) A forest ranger, park ranger, wildlife ranger, paid law enforcement
24 employee of the Department of Natural Resources who is a covered employee under §
25 9–207 of this title, and a park police officer of the Maryland–National Capital Park and
26 Planning Commission is presumed to have an occupational disease that was suffered in the
27 line of duty and is compensable under this title if the individual:

28 (i) is suffering from Lyme disease; and

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

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

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

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

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

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

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