

Chapter 374

(Senate Bill 1099)

AN ACT concerning

**Workers' Compensation – Occupational Disease Presumptions – Paid
~~Emergency Medical Services Providers~~ Rescue Squad Members and Paid
Advanced Life Support Unit Members**

FOR the purpose of extending the presumption of compensability under the workers' compensation law to include, under certain conditions, paid ~~emergency medical services providers~~ rescue squad members and paid advanced life support unit members who suffer from heart disease, hypertension, or lung disease resulting in partial or total disability or death; extending the presumption of compensability under the workers' compensation law to include, under certain conditions, paid ~~emergency medical services providers~~ rescue squad members and paid advanced life support unit members who suffer from certain cancers under certain circumstances; providing for the application of this Act; and generally relating to compensability of paid ~~emergency medical services providers~~ rescue squad members and paid advanced life support unit members under the workers' compensation law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–503(a) and (c)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Labor and Employment

9–503.

(a) A paid firefighter, paid fire fighting instructor, ~~PAID EMERGENCY MEDICAL SERVICES PROVIDER~~ RESCUE SQUAD MEMBER, PAID ADVANCED LIFE SUPPORT UNIT MEMBER, or sworn member of the Office of the State Fire Marshal employed by an airport authority, a county, a fire control district, a municipality, or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member who is a covered employee under § 9–234 of this title is presumed to have an occupational disease that was suffered in the line of duty and is compensable under this title if:

- (1) the individual has heart disease, hypertension, or lung disease;
- (2) the heart disease, hypertension, or lung disease results in partial or total disability or death; and
- (3) in the case of a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member, the individual has met a suitable standard of physical examination before becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life support unit member.

(c) A paid firefighter, paid fire fighting instructor, ~~PAID EMERGENCY MEDICAL SERVICES PROVIDER~~ RESCUE SQUAD MEMBER, PAID ADVANCED LIFE SUPPORT UNIT MEMBER, or a sworn member of the Office of the State Fire Marshal employed by an airport authority, a county, a fire control district, a municipality, or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member who is a covered employee under § 9-234 of this title is presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under this title if the individual:

- (1) has leukemia or prostate, rectal, throat, multiple myeloma, non-Hodgkin's lymphoma, brain, testicular, or breast cancer that is caused by contact with a toxic substance that the individual has encountered in the line of duty;
- (2) has completed at least 10 years of service as a firefighter, fire fighting instructor, ~~EMERGENCY MEDICAL SERVICES PROVIDER~~, rescue squad member, or advanced life support unit member or in a combination of those jobs in the department where the individual currently is employed or serves;
- (3) is unable to perform the normal duties of a firefighter, fire fighting instructor, ~~EMERGENCY MEDICAL SERVICES PROVIDER~~, rescue squad member, or advanced life support unit member in the department where the individual currently is employed or serves because of the cancer or leukemia disability; and
- (4) in the case of a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member, has met a suitable standard of physical examination before becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life support unit member.

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, May 5, 2014.