

# HOUSE BILL 604

K1

(9lr2233)

## ENROLLED BILL

— Economic Matters/Finance —

Introduced by **Delegates D.E. Davis, D. Barnes, Charles, Fennell, W. Fisher, Gaines, Harrison, Ivey, Proctor, Turner, Walker, and R. Watson**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

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

1 AN ACT concerning

2 **Workers' Compensation – Medical Presumptions for Diseases and Cancer –**  
3 **Eligibility**

4 *(Firefighter Jesse ~~McCullough~~'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

---

#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 Section 9–503(c)  
 2 Annotated Code of Maryland  
 3 (2016 Replacement Volume and 2018 Supplement)

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

6 **Article – Labor and Employment**

7 9–503.

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

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

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

22 ~~[(3) is unable to perform the normal duties of a firefighter, fire fighting~~  
 23 ~~instructor, rescue squad member, or advanced life support unit member in the department~~  
 24 ~~where the individual currently is employed or serves because of the cancer or leukemia~~  
 25 ~~disability; and] **HAS THE CANCER OR LEUKEMIA WHICH RESULTS IN PARTIAL OR**  
 26 **TOTAL DISABILITY OR DEATH; AND**~~

27 ~~[(4)] (3)~~ in the case of a volunteer firefighter, volunteer fire fighting  
 28 instructor, volunteer rescue squad member, or volunteer advanced life support unit  
 29 member, **THE INDIVIDUAL** has met a suitable standard of physical examination before  
 30 becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life  
 31 support unit member.

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

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