

**HOUSE . . . . . No. 2261**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Denise C. Garlick***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to disability or death caused by contagious diseases; presumption.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>

<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>

**HOUSE . . . . . No. 2261**

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By Ms. Garlick of Needham, a petition (accompanied by bill, House, No. 2261) of Denise C. Garlick and others relative to creating a rebuttable presumption of job relatedness for certain public safety personnel suffering from disabling conditions caused by exposure to infectious diseases. Public Service.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3278 OF 2017-2018.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to disability or death caused by contagious diseases; presumption.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 32 of the General Laws is hereby amended by inserting after  
2 section 94B the following new section:

3           Section 94C.

4           (1) Notwithstanding the provisions of any general or special law to the contrary, and for  
5 the purposes of any death, disability or medical services claim including claims under Chapter  
6 32, Chapter 41 and Chapter 152 of the General Laws, any contagious disease, resulting in  
7 disability or death to a full-time uniformed member of a paid police department, fire department  
8 or municipal emergency medical service shall, if he or she successfully passed a physical  
9 examination on entry into such service or subsequent to such entry, which examination failed to

10 reveal any evidence of such condition, be presumed to have been suffered in the line of duty,  
11 unless it is shown by a preponderance of the evidence that non-service connected risk factors or  
12 non-service connected accidents or hazards undergone, or any combination thereof, caused such  
13 incapacity. The provisions of this section shall only apply if the disabling or fatal condition is a  
14 type of contagious disease which may, in general, result from exposure to blood and other body  
15 fluids of the sick, excluding the common cold.

16 (2) The provisions of this section shall not apply to any person serving in such positions  
17 for fewer than five years at the time that such condition is first discovered, or should have been  
18 discovered. Any person first discovering any such condition within five years of the last date on  
19 which such person actively so served shall be eligible to apply for benefits hereunder, and such  
20 benefits, if granted, shall be payable as of the date on which the employee last received regular  
21 compensation. The provisions of this section shall not apply to any person serving in such  
22 position unless such person shall first establish that he has regularly responded to calls for police,  
23 fire or emergency medical service during some portion of the period of his service in such  
24 position.

25 (3) The provisions of this section shall also apply to any condition of Hepatitis A, B, or  
26 C, Tuberculosis, HIV, and any other contagious disease which is found by regulation by the  
27 commissioner of the department of public health to have a statistically significant correlation  
28 with police, fire or emergency medical service.

29 (4) Nothing herein shall preclude a member from applying for and receiving benefits  
30 under section seven or section nine, subject to the provisions of said sections.