

SENATE No. 1681

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 Parkinson's disease disability and death in firefighters.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester and Hampshire</i>	
<i>John C. Velis</i>	<i>Hampden and Hampshire</i>	<i>1/27/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/27/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>1/27/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/27/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>1/30/2023</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>2/1/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/2/2023</i>

SENATE No. 1681

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 1681) of Anne M. Gobi, John C. Velis, Vanna Howard, Susannah M. Whipps and other members of the General Court for legislation relative to Parkinson's disease disability and death in firefighters. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1725 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to Parkinson's disease disability and death in firefighters.

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. Section 26 of chapter 31 of the General Laws as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in line 106, the words "and ninety-four B"
3 and inserting in place thereof the following words: ",ninety-four B and ninety-four C."

4 SECTION 2. Chapter 32 of the General Laws are hereby amended by inserting after
5 section 94B the following section:-

6 Section 94C. (1) Notwithstanding the provisions of any general or special law to the
7 contrary affecting the non-contributory or contributory retirement system, any condition of
8 impairment of health caused by Parkinson's Disease, resulting in total or partial disability or
9 death to a uniformed member of a paid fire department, or a member of the state police assigned

10 to the fire investigation unit of the department of fire services, or a member of the state police K9
11 unit, or to any permanent crash crewman, crash boatman, fire controlman or assistant fire
12 controlman employed at the General Edward Lawrence Logan International Airport, members of
13 the 104th fighter wing fire department or members of the Joint Base Cape Cod fire department,
14 shall, if he successfully passed a physical examination on entry into such service or subsequent
15 to such entry, which examination failed to reveal any evidence of such condition, be presumed to
16 have been suffered in the line of duty, unless it is shown by a preponderance of the evidence that
17 non-service connected risk factors or non-service connected accidents or hazards undergone, or
18 any combination thereof, caused such incapacity.

19 (2) The provisions of this section shall not apply to any person serving in such positions
20 for fewer than five years at the time that such condition is first discovered, or should have been
21 discovered. Any person first discovering any such condition prior to or within five years from the
22 date on which such person has reached the maximum retirement age shall be eligible to apply for
23 benefits hereunder, and such benefits, if granted, shall be payable as of the date on which the
24 employee last received regular compensation. The provisions of this section shall not apply to
25 any person serving in such position unless such person shall first establish that he has regularly
26 responded to calls of fire or their investigation at the scene during some portion of the period of
27 his service in such position.

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

30 SECTION 3. Section 100 of chapter 32 of the General Laws as appearing in the 2022
31 Official Edition, is hereby amended by striking out, in line 79, the words "and ninety-four B" and
32 inserting in place thereof the following words: ",ninety-four B and ninety-four C."

33 SECTION 4. Section 100A of chapter 32 of the General Laws as appearing in the 2022
34 Official Edition, is hereby amended by striking out, in line 34, the words "and 94B" and inserting
35 in place thereof the following words: ",94B and 94C."

36 SECTION 5. The provisions of section two shall not be construed to affect the
37 interpretation of the provisions of sections ninety-four, ninety-four A or ninety-four B of chapter
38 thirty-two of the General Laws.

39 SECTION 6. The provisions of this act shall be effective in every retirement system
40 established by or operating under the provisions of chapter thirty-two of the General Laws or
41 under the similar provisions of any other general or special law, and for every governmental unit
42 which is a member of such retirement system, notwithstanding the provisions of section twenty-
43 seven C of chapter twenty-nine of the General Laws.

44 SECTION 7. The provisions of this act shall apply only to a person actively employed as
45 a uniformed member of a paid fire department, or a member of the state police assigned to the
46 fire investigation unit of the department of fire services, or a member of the state police K9 unit,
47 or to any permanent crash crewman, crash boatman, fire controlman or assistant fire controlman
48 employed at the General Edward Lawrence Logan International Airport, members of the 104th
49 fighter wing fire department or members of the Joint Base Cape Cod fire department on or after
50 the date exactly 5 years prior to the date this law becomes effective.