

# SENATE BILL 406

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CF HB 335

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By: **Senators Kagan and Jackson**

Introduced and read first time: February 1, 2023

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease Presumptions – First**  
3 **Responders**

4 FOR the purpose of providing that a first responder who is diagnosed by a licensed  
5 psychologist or psychiatrist with post-traumatic stress disorder is presumed under  
6 certain circumstances to have an occupational disease that was suffered in the line  
7 of duty and is compensable under workers' compensation law; limiting the  
8 applicability of the presumption to benefits for services related to the diagnosis and  
9 treatment of post-traumatic stress disorder for a certain time period; specifying that  
10 the presumption does not limit any right or claim an individual may have under  
11 workers' compensation law; and generally relating to occupational disease  
12 presumptions under the workers' compensation law.

13 BY repealing and reenacting, without amendments,

14 Article – Education  
15 Section 13–516(a)(1) and (7)  
16 Annotated Code of Maryland  
17 (2022 Replacement Volume)

18 BY repealing and reenacting, with amendments,

19 Article – Labor and Employment  
20 Section 9–503  
21 Annotated Code of Maryland  
22 (2016 Replacement Volume and 2022 Supplement)

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

25 **Article – Education**

26 13–516.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section the following words have the meanings indicated.

2 (7) "Emergency medical services provider" means an individual licensed or  
3 certified by the EMS Board as:

4 (i) A cardiac rescue technician;

5 (ii) An emergency medical dispatcher;

6 (iii) An emergency medical responder;

7 (iv) An emergency medical technician; or

8 (v) A paramedic.

### 9 Article – Labor and Employment

10 9–503.

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

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

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

21 (3) in the case of a volunteer firefighter, volunteer fire fighting instructor,  
22 volunteer rescue squad member, or volunteer advanced life support unit member, the  
23 individual has met a suitable standard of physical examination before becoming a  
24 firefighter, firefighting instructor, rescue squad member, or advanced life support unit  
25 member.

26 (b) (1) A paid police officer employed by an airport authority, a county, the  
27 Maryland–National Capital Park and Planning Commission, a municipality, or the State,  
28 a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this subsection, a  
29 deputy sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy  
30 sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County  
31 deputy sheriff, Prince George's County correctional officer, or deputy sheriff of Allegany  
32 County is presumed to be suffering from an occupational disease that was suffered in the  
33 line of duty and is compensable under this title if:

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

3 (ii) the heart disease or hypertension results in partial or total  
4 disability or death.

5 (2) (i) A deputy sheriff of Anne Arundel County, Anne Arundel County  
6 detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer,  
7 Prince George's County deputy sheriff, or Prince George's County correctional officer is  
8 entitled to the presumption under this subsection only to the extent that the individual  
9 suffers from heart disease or hypertension that is more severe than the individual's heart  
10 disease or hypertension condition existing prior to the individual's employment as a deputy  
11 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of  
12 Baltimore City, Montgomery County correctional officer, Prince George's County deputy  
13 sheriff, or Prince George's County correctional officer.

14 (ii) To be eligible for the presumption under this subsection, a deputy  
15 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of  
16 Baltimore City, Montgomery County correctional officer, Prince George's County deputy  
17 sheriff, or Prince George's County correctional officer, as a condition of employment, shall  
18 submit to a medical examination to determine any heart disease or hypertension condition  
19 existing prior to the individual's employment as a deputy sheriff of Anne Arundel County,  
20 Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery  
21 County correctional officer, Prince George's County deputy sheriff, or Prince George's  
22 County correctional officer.

23 (c) A paid firefighter, paid firefighting instructor, paid rescue squad member,  
24 paid advanced life support unit member, or a sworn member of the Office of the State Fire  
25 Marshal employed by an airport authority, a county, a fire control district, a municipality,  
26 or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue  
27 squad member, or volunteer advanced life support unit member who is a covered employee  
28 under § 9-234 of this title is presumed to be suffering from an occupational disease that  
29 was suffered in the line of duty and is compensable under this title if:

30 (1) the individual has leukemia or prostate, rectal, throat, multiple  
31 myeloma, non-Hodgkin's lymphoma, brain, testicular, bladder, kidney or renal cell, or  
32 breast cancer that is caused by contact with a toxic substance that the individual has  
33 encountered in the line of duty;

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

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

38 (4) in the case of a volunteer firefighter, volunteer fire fighting instructor,

1 volunteer rescue squad member, or volunteer advanced life support unit member, the  
 2 individual has met a suitable standard of physical examination before becoming a  
 3 firefighter, firefighting instructor, rescue squad member, or advanced life support unit  
 4 member.

5 (d) (1) A forest ranger, park ranger, wildlife ranger, paid law enforcement  
 6 employee of the Department of Natural Resources who is a covered employee under §  
 7 9–207 of this title, and a park police officer of the Maryland–National Capital Park and  
 8 Planning Commission is presumed to have an occupational disease that was suffered in the  
 9 line of duty and is compensable under this title if the individual:

10 (i) is suffering from Lyme disease; and

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

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

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

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

21 **(E) (1) IN THIS SECTION, “FIRST RESPONDER” MEANS:**

22 **(I) A FIREFIGHTER;**

23 **(II) AN EMERGENCY MEDICAL SERVICES PROVIDER, AS**  
 24 **DEFINED IN § 13–516 OF THE EDUCATION ARTICLE;**

25 **(III) A RESCUE SQUAD MEMBER;**

26 **(IV) A SWORN MEMBER OF THE OFFICE OF THE STATE FIRE**  
 27 **MARSHAL;**

28 **(V) A MEMBER OF A VOLUNTEER FIRE OR RESCUE COMPANY**  
 29 **WHO IS A COVERED EMPLOYEE UNDER § 9–234 OF THIS TITLE;**

30 **(VI) A 9–1–1 SPECIALIST;**

31 **(VII) A LAW ENFORCEMENT OFFICER; OR**

1 (VIII) A CORRECTIONAL OFFICER.

2 (2) FOR PURPOSES OF THE DIAGNOSIS AND TREATMENT OF  
3 POST-TRAUMATIC STRESS DISORDER, A FIRST RESPONDER IS PRESUMED TO BE  
4 SUFFERING FROM AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE OF  
5 DUTY AND IS COMPENSABLE UNDER THIS TITLE IF:

6 (I) THE INDIVIDUAL IS DIAGNOSED WITH POST-TRAUMATIC  
7 STRESS DISORDER BY A LICENSED PSYCHOLOGIST OR PSYCHIATRIST;

8 (II) AT THE TIME OF DIAGNOSIS, THE INDIVIDUAL HAS  
9 COMPLETED AT LEAST 2 YEARS OF CUMULATIVE SERVICE WITHIN THE STATE AS A  
10 FIRST RESPONDER; AND

11 (III) THE CLAIM IS FILED WHILE THE INDIVIDUAL IS EMPLOYED  
12 AS A FIRST RESPONDER OR WITHIN 18 MONTHS IMMEDIATELY FOLLOWING  
13 EMPLOYMENT AS A FIRST RESPONDER.

14 (3) THE PRESUMPTION UNDER THIS SUBSECTION SHALL APPLY ONLY  
15 TO BENEFITS FOR SERVICES RELATED TO THE DIAGNOSIS AND TREATMENT OF  
16 POST-TRAUMATIC STRESS DISORDER FOR A PERIOD OF 2 YEARS IMMEDIATELY  
17 FOLLOWING AN INITIAL DIAGNOSIS BY A LICENSED PSYCHOLOGIST OR  
18 PSYCHIATRIST.

19 (4) THE PRESUMPTION UNDER THIS SUBSECTION DOES NOT LIMIT  
20 ANY OTHER RIGHT AN INDIVIDUAL MAY HAVE, OR CLAIM AN INDIVIDUAL MAY BRING,  
21 UNDER THIS SUBTITLE.

22 [(e)] (F) (1) Except as provided in paragraph (2) of this subsection, any **FIRST**  
23 **RESPONDER**, paid firefighter, paid firefighting instructor, sworn member of the Office of  
24 the State Fire Marshal, paid police officer, forest ranger, park ranger, wildlife ranger, paid  
25 law enforcement employee of the Department of Natural Resources, deputy sheriff of Anne  
26 Arundel County, Anne Arundel County detention officer, park police officer of the  
27 Maryland-National Capital Park and Planning Commission, deputy sheriff of Montgomery  
28 County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy  
29 sheriff of Prince George's County, or Prince George's County correctional officer who is  
30 eligible for benefits under subsection (a), (b), (c), [or] (d), **OR (E)** of this section or the  
31 dependents of those individuals shall receive the benefits in addition to any benefits that  
32 the individual or the dependents of the individual are entitled to receive under the  
33 retirement system in which the individual was a participant at the time of the claim.

34 (2) The benefits received under this title shall be adjusted so that the  
35 weekly total of those benefits and retirement benefits does not exceed the weekly salary

1 that was paid to an individual specified under paragraph (1) of this subsection.

2           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3 October 1, 2023.