

Chapter 216

(Senate Bill 646)

AN ACT concerning

Workers' Compensation – Medical Presumptions for Diseases and Cancer – Eligibility
(Firefighter Jesse McCullough's McCullough's Cancer Protection Law)

FOR the purpose of altering the circumstances under which certain firefighters, fire fighting instructors, rescue squad members, advanced life support unit members, and sworn members of the Office of the State Fire Marshal are presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under the workers' compensation law; making stylistic changes; providing for the application of this Act; and generally relating to the occupational disease presumptions under the workers' compensation law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–503(c)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 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.

(c) A paid firefighter, paid fire fighting instructor, paid 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) **THE INDIVIDUAL** 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) **THE INDIVIDUAL** has completed at least 10 years of **CUMULATIVE** service **WITHIN THE STATE** as a firefighter, A fire fighting instructor, A rescue squad

member, or AN advanced life support unit member or in a combination of those jobs [in the department where the individual currently is employed or serves]; ~~AND~~

~~{(3) is unable to perform the normal duties of a firefighter, fire fighting instructor, 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}~~ **THE CANCER OR LEUKEMIA RESULTS IN PARTIAL OR TOTAL DISABILITY OR DEATH; AND**

~~{(4)}~~ ~~(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.

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 before the effective date of this Act.

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

Approved by the Governor, April 30, 2019.