

HOUSE No. 2437

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act RELATIVE TO INFECTIOUS DISEASES..

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 26 of chapter 31 of the General Laws, as appearing in the 2000 Official Edition,
2 is hereby amended by striking out, in line eighty-seven, the words “and ninety-four B” and
3 inserting in place thereof the following words:—, ninety-four B and ninety-four C.

4 SECTION 2. Chapter 32 of the General Laws is hereby amended by inserting after
5 section ninety-four B, as so appearing, the following section:—Section 94C. (1) Notwithstanding
6 the provisions of any general or special law to the contrary, any condition or impairment of
7 health caused by hepatitis B, hepatitis C, Acquired Immune Deficiency Syndrome (AIDS) or
8 tuberculosis, resulting in total disability or death to a uniformed member of a paid fire
9 department, or to any permanent crash crewman, crash boatman, fire controlman or assistant fire
10 controlman employed at the General Edward Lawrence Logan International Airport, shall, if he
11 successfully passed a physical examination on entry into such service or subsequent to such
12 entry, which examination failed to reveal any evidence of such condition, be presumed to have
13 been suffered in the line of duty, unless it is shown by a preponderance of the evidence that non-

14 service connected risk factors or non-service connected accidents or hazards undergone, or any
15 combination thereof, caused such incapacity.

16 (2) The provisions of this section shall also apply to infectious diseases, other than those
17 listed in subdivision (1), which, in general, may result from an occupational exposure to blood
18 borne pathogens, as determined by the commissioner of the department of public health, and the
19 incidence of which is found by regulation by said commissioner to have a statistically significant
20 correlation with fire service.

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

23 SECTION 3. Section 100 of said chapter 32, as so appearing, is hereby amended by
24 striking out, in line seventy-six, the words “and ninety-four B” and inserting in place thereof the
25 following words:—, ninety-four B and ninety-four C.

26 SECTION 4. Section 100A of said chapter 32, as so appearing, is hereby amended by
27 striking out, in line twenty-three, the words “and 94B” and inserting in place thereof the
28 following words:—, 94B and 94C.

29 SECTION 5. The provisions of this act shall apply only to a person actively employed as
30 a uniformed member of a paid fire department or as a permanent crash crewman, crash boatman,
31 fire controlman or assistant fire controlman employed at the General Edward Lawrence Logan
32 International Airport, on or after the effective date of this act.

33 SECTION 6. The provisions of section two shall not be construed to affect the
34 interpretation of the provisions of said section ninety-four, ninety-four A or ninety-four B of
35 chapter thirty-two of the General Laws.

36 SECTION 7. The provisions of this act shall be effective in every retirement system
37 established by or operating under the provisions of chapter thirty-two of the General Laws or
38 under the similar provisions of any other general or special law, and for every governmental unit
39 which is a member of such retirement system, notwithstanding the provisions of section 27C of
40 chapter 29 of the General Laws.