

HOUSE No. 2657

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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. (1) Notwithstanding the provisions of any general or special law to the
2 contrary, and for the purposes of any death, disability or medical services claim including claims
3 under Chapter 32, Chapter 41 and Chapter 152 of the General Laws, any contagious disease,
4 resulting in disability or death to a full-time uniformed member of a paid police department, fire
5 department or municipal emergency medical service shall, if he or she successfully passed a
6 physical examination on entry into such service or subsequent to such entry, which examination
7 failed to reveal any evidence of such condition, be presumed to have been suffered in the line of
8 duty, unless it is shown by a preponderance of the evidence that non-service connected risk
9 factors or non-service connected accidents or hazards undergone, or any combination thereof,
10 caused such incapacity. The provisions of this section shall only apply if the disabling or fatal
11 condition is a type of contagious disease which may, in general, result from exposure to blood
12 and other body fluids of the sick, excluding the common cold.(2) The provisions of this section
13 shall not apply to any person serving in such positions for fewer than five years at the time that
14 such condition is first discovered, or should have been discovered. Any person first discovering

15 any such condition within five years of the last date on which such person actively so served
16 shall be eligible to apply for benefits hereunder, and such benefits, if granted, shall be payable as
17 of the date on which the employee last received regular compensation. The provisions of this
18 section shall not apply to any person serving in such position unless such person shall first
19 establish that he has regularly responded to calls for police, fire or emergency medical service
20 during some portion of the period of his service in such position.(3) The provisions of this
21 section shall also apply to any condition of Hepatitis A, B, or C, Tuberculosis, HIV, and any
22 other contagious disease which is found by regulation by the commissioner of the department of
23 public health to have a statistically significant correlation with police, fire or emergency medical
24 service.(4) Nothing herein shall preclude a member from applying for and receiving benefits
25 under section seven or section nine, subject to the provisions of said sections.