

SENATE No. 1075

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Contagious 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 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 claims under Chapter
3 32, Chapter 41, and Chapter 152, of the General Laws, any contagious disease, resulting in
4 disability or death to a full-time uniformed member of a paid police department, fire department
5 or municipal emergency medical service shall, if he or she successfully passed a physical
6 examination on entry into such service or subsequent to such entry, which exam failed to reveal
7 any evidence of such condition, be presumed to have been suffered in the line of duty, unless it is
8 shown by a preponderance of the evidence that non-service connected risk factors or non-service
9 connected accidents or hazards undergone, or any combination thereof, cause such incapacity.

10 (2) The provisions of this section shall apply to any person otherwise
11 eligible for
12 five years subsequent to retirement.

13 (3) The provisions of this section shall also apply to any condition of Hepatitis A,
14 B, or C, Tuberculosis, HIV, and any other contagious disease which is found by regulation by the
15 commissioner of the department of public health to have a statistically significant correlation
16 with police, fire or emergency medical services.