

HOUSE No. 2240

The Commonwealth of Massachusetts

PRESENTED BY:

Shawn Dooley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing disability benefits for police officers with certain conditions of cancer.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>1/14/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/23/2019</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>1/24/2019</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>1/27/2019</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/28/2019</i>
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>	<i>2/1/2019</i>

HOUSE No. 2240

By Mr. Dooley of Norfolk, a petition (accompanied by bill, House, No. 2240) of Shawn Dooley and others relative to creating a rebuttable presumption of job relatedness for certain public safety personnel suffering from disabling conditions caused by certain cancers. Public Service.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act providing disability benefits for police officers with certain conditions of cancer.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 32 of the General Laws, as appearing in the 2016 official edition, is hereby
2 amended by inserting the following new section:-

3 “Section 94C. (a) Notwithstanding the provisions of any general or special law to the
4 contrary, any condition of cancer affecting the skin or the central nervous, lymphatic, endocrine
5 glands, digestive, hematological, urinary, skeletal, oral or prostate systems, lung or respiratory
6 tract, resulting in total disability or death to a member of a paid police department, or a member
7 of the state police shall, if they successfully passed a physical examination on entry into such
8 service or subsequent to such entry, which examination failed to reveal any evidence of such
9 condition, be presumed to have been suffered in the line of duty, unless it is shown by a
10 preponderance of the evidence that non-service connected risk factors or non-service connected
11 accidents or hazards undergone, or any combination thereof, caused such incapacity. The
12 provisions of this section shall only apply if the disabling or fatal condition is a type of cancer

13 which may, in general, result from radiation, air pollutants, particulate matter, chemical agents,
14 or a known or suspected carcinogen as determined by the International Agency for Research on
15 Cancer, so called.

16 (b) The provisions of this section shall not apply to any person serving in such positions
17 for fewer than five years at the time that such condition is first discovered. Any person first
18 discovering any such condition within five years of the last date on which such person actively
19 so served shall be eligible to apply for benefits hereunder, and such benefits, if granted, shall be
20 payable as of the date on which the employee last received regular compensation. The provisions
21 of this section shall not apply to any person serving in such position unless such person shall first
22 establish that he has regularly engaged in regular police shift work during some portion of the
23 period of his service in such position.

24 (3) The provisions of this section shall also apply to any condition of cancer, other than
25 those listed in subsection (a), which, in general, may result from radiation, air pollutants,
26 particulate matter, chemical agents, or a known or suspected carcinogen as determined by the
27 International Agency for Research on Cancer, so called, and the incidence of which is found by
28 regulation by the commissioner of the department of public health to have a statistically
29 significant correlation with police service.

30 (4) Nothing herein shall preclude a member from applying for and receiving benefits
31 under section 7 or section 9, subject to the provisions of said sections.”