

SENATE No. 1485

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

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 relative to disability or death caused by infectious diseases, presumption.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Nick Collins</i>	<i>First Suffolk</i>	
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/22/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/24/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/28/2019</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>1/29/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>1/30/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/31/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/5/2019</i>

SENATE No. 1485

By Mr. Collins, a petition (accompanied by bill, Senate, No. 1485) of Nick Collins, Paul A. Schmid, III, Michael D. Brady, Daniel J. Hunt and other members of the General Court for legislation relative to disability or death caused by infectious diseases, presumption. Public Service.

The Commonwealth of Massachusetts

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

An Act relative to disability or death caused by infectious 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. Chapter 32 of the General Laws is hereby amended by inserting after
2 section 94B the following new section:

3 Section 94C.

4 (1) Notwithstanding the provisions of any general or special law to the contrary, and for
5 the purposes of any death, disability or medical services claim including claims under Chapter
6 32, Chapter 41 and Chapter 152 of the General Laws, any contagious disease, resulting in
7 disability or death to a full-time uniformed member of a paid police department, fire department
8 or municipal emergency medical service shall, if he or she successfully passed a physical
9 examination on entry into such service or subsequent to such entry, which examination failed to
10 reveal any evidence of such condition, be presumed to have been suffered in the line of duty,
11 unless it is shown by a preponderance of the evidence that non-service connected risk factors or

12 non-service connected accidents or hazards undergone, or any combination thereof, caused such
13 incapacity. The provisions of this section shall only apply if the disabling or fatal condition is a
14 type of contagious disease which may, in general, result from exposure to blood and other body
15 fluids of the sick, excluding the common cold.

16 (2) 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, or should have been
18 discovered. Any person first discovering any such condition within five years of the last date on
19 which such person actively so served shall be eligible to apply for benefits hereunder, and such
20 benefits, if granted, shall be payable as of the date on which the employee last received regular
21 compensation. The provisions of this section shall not apply to any person serving in such
22 position unless such person shall first establish that he has regularly responded to calls for police,
23 fire or emergency medical service during some portion of the period of his service in such
24 position.

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

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