SENATE DOCKET, NO. 570 FILED ON: 1/17/2023

SENATE . . . . . No. 1740

The Commonwealth of Massachusetts

PRESENTED BY:

Walter F. Timilty

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 the safety of fire, police, and emergency medical technicians from contagious diseases.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Walter F. Timilty	*Norfolk, Plymouth and Bristol*

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SENATE . . . . . No. 1740

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1740) of Walter F. Timilty for legislation relative to the safety of fire, police, and emergency medical technicians from contagious diseases. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1786* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to the safety of fire, police, and emergency medical technicians from 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:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, and for the purposes of any death, disability or medical services claim including claims under Chapter 32, Chapter 41 and Chapter 152 of the General Laws, any contagious disease, resulting in disability or death to a full-time uniformed member of a paid police department, fire department, municipal emergency medical service, correction officers, or court officers shall, if he or she successfully passed a physical examination on entry into such service or subsequent to such entry, which examination failed to reveal any evidence of such condition, be presumed to have been suffered in the line of duty, unless it is shown by a preponderance of the evidence that non-service connected risk factors or non-service connected accidents or hazards undergone, or any combination thereof, caused such incapacity. The provisions of this section shall only apply

if the disabling or fatal condition is a type of contagious disease which may, in general, result from exposure to blood and other body fluids of the sick, excluding the common cold.

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

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

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