HOUSE DOCKET, NO. 3185 FILED ON: 1/16/2025

HOUSE . . . . . No. 2851

The Commonwealth of Massachusetts

PRESENTED BY:

Carlos González

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 cause by contagious disease; presumption.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Carlos González	*10th Hampden*	*1/16/2025*
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	*2/7/2025*

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HOUSE . . . . . No. 2851

By Representative González of Springfield, a petition (accompanied by bill, House, No. 2851) of Carlos González and Jacob R. Oliveira relative to the presumption for disability or death cause by contagious diseases. Public Service.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to disability or death cause by contagious disease; presumption.

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. Chapter 32 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after section 94B the following new section:-

Section 94C. (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 or municipal emergency medical service shall, if the person 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.

(2) 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 they regularly responded to calls for police, fire or emergency medical service during some portion of the period of their service in such position.

(3) The provisions of this section shall also apply to any condition of COVID-19, 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.

(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.