HOUSE DOCKET, NO. 2461 FILED ON: 1/20/2011

# HOUSE . . . . . No. 2442

## The Commonwealth of Massachusetts

PRESENTED BY:

***John P. Fresolo***

*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 contagious diseases, presumption.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *John P. Fresolo* | *16th Worcester* |
| *James E. Timilty* | |
| *Raymond McGrath* | *NAGE*<br>*159 Burgin Parkway*<br>*Quincy, MA 02169-4213* |

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# HOUSE . . . . . No. 2442

By Mr. Fresolo of Worcester, a petition (accompanied by bill, House, No. 2442) of John P. Fresolo and James E. Timilty relative to disability or death caused by contagious diseases. Public Service.

## The Commonwealth of Massachusetts

**In the Year Two Thousand Eleven**

An Act relative to disability or death caused by contagious 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:*

SECTION 1. (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 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.

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

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

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