

# SENATE BILL 538

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CF 3lr2146

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By: **Senator Kramer**

Introduced and read first time: February 3, 2023

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease Presumptions – Hypertension**

3 FOR the purpose of repealing the requirement that certain firefighters, fire fighting  
4 instructors, rescue squad members, advanced life support unit members, and  
5 members of the Office of the State Fire Marshal experience partial or total disability  
6 or death for hypertension to be presumed to be an occupational disease that was  
7 suffered in the line of duty and is compensable under workers' compensation law;  
8 and generally relating to occupational disease presumptions under workers'  
9 compensation law.

10 BY repealing and reenacting, with amendments,  
11 Article – Labor and Employment  
12 Section 9–503(a)  
13 Annotated Code of Maryland  
14 (2016 Replacement Volume and 2022 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
16 That the Laws of Maryland read as follows:

17 **Article – Labor and Employment**

18 9–503.

19 (a) **(1)** A paid firefighter, paid fire fighting instructor, paid rescue squad  
20 member, paid advanced life support unit member, or sworn member of the Office of the  
21 State Fire Marshal employed by an airport authority, a county, a fire control district, a  
22 municipality, or the State or a volunteer firefighter, volunteer fire fighting instructor,  
23 volunteer rescue squad member, or volunteer advanced life support unit member who is a  
24 covered employee under § 9–234 of this title is presumed to have an occupational disease  
25 that was suffered in the line of duty and is compensable under this title if:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                    [(1)] (I)    1.     the individual has heart disease[, hypertension,] or lung  
2 disease;

3                    [(2)] 2.     the heart disease[, hypertension,] or lung disease results in  
4 partial or total disability or death; and

5                    [(3)] 3.     in the case of a volunteer firefighter, volunteer fire fighting  
6 instructor, volunteer rescue squad member, or volunteer advanced life support unit  
7 member, the individual has met a suitable standard of physical examination before  
8 becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life  
9 support unit member; OR

10                    (II)    1.     THE INDIVIDUAL HAS HYPERTENSION; AND

11                    2.     IN THE CASE OF A VOLUNTEER FIREFIGHTER,  
12 VOLUNTEER FIRE FIGHTING INSTRUCTOR, VOLUNTEER RESCUE SQUAD MEMBER, OR  
13 VOLUNTEER ADVANCED LIFE SUPPORT UNIT MEMBER, THE INDIVIDUAL HAS MET A  
14 SUITABLE STANDARD OF PHYSICAL EXAMINATION BEFORE BECOMING A  
15 FIREFIGHTER, FIRE FIGHTING INSTRUCTOR, RESCUE SQUAD MEMBER, OR  
16 ADVANCED LIFE SUPPORT UNIT MEMBER.

17                    (2)    NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, AN  
18 INDIVIDUAL MAY NOT BE REQUIRED TO DEMONSTRATE DISABLEMENT UNDER §  
19 9-502 OF THIS SUBTITLE TO BE ELIGIBLE FOR THE PRESUMPTION UNDER  
20 PARAGRAPH (1)(II) OF THIS SUBSECTION.

21                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2023.