

# SENATE BILL 743

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HB 749/07 – ECM

8lr3111  
CF 8lr2514

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By: **Senator Pugh**

Introduced and read first time: February 1, 2008

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Law Enforcement Officers – Lyme Disease**  
3 **Presumption**

4 FOR the purpose of applying the occupational disease presumption under the workers'  
5 compensation law to certain law enforcement officers who contract Lyme  
6 disease under specified circumstances; providing that certain law enforcement  
7 officers who are eligible for benefits under this Act shall receive the benefits in  
8 addition to certain retirement benefits, subject to a certain adjustment; making  
9 certain conforming changes; defining certain terms; and generally relating to  
10 the occupational disease presumption for Lyme disease under the workers'  
11 compensation law.

12 BY repealing and reenacting, with amendments,  
13 Article – Labor and Employment  
14 Section 9–503(d) and (e)  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2007 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article – Public Safety  
19 Section 3–101(e)  
20 Annotated Code of Maryland  
21 (2003 Volume and 2007 Supplement)

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

24 **Article – Labor and Employment**

25 9–503.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) (1) IN THIS SUBSECTION AND SUBSECTION (E) OF THIS SECTION,  
 2 “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3-101(E)(1) OF  
 3 THE PUBLIC SAFETY ARTICLE WITHOUT THE APPLICATION OF § 3-101(E)(2).

4 (2) A paid law enforcement employee of the Department of Natural  
 5 Resources who is a covered employee under § 9-207 of this title AND A LAW  
 6 ENFORCEMENT OFFICER is presumed to have an occupational disease that was  
 7 suffered in the line of duty and is compensable under this title if the employee:

8 [(1)] (I) is suffering from Lyme disease; and

9 [(2)] (II) was not suffering from Lyme disease before assignment to a  
 10 position that regularly places the employee in an outdoor wooded environment.

11 (e) (1) Except as provided in paragraph (2) of this subsection, any paid  
 12 firefighter, paid fire fighting instructor, [sworn member of the Office of the State Fire  
 13 Marshal, paid police officer,] paid law enforcement employee of the Department of  
 14 Natural Resources, [deputy sheriff of Montgomery County, deputy sheriff of Baltimore  
 15 City,] LAW ENFORCEMENT OFFICER, Montgomery County correctional officer,  
 16 [deputy sheriff of Prince George’s County,] or Prince George’s County correctional  
 17 officer who is eligible for benefits under subsection (a), (b), (c), or (d) of this section or  
 18 the dependents of those individuals shall receive the benefits in addition to any  
 19 benefits that the individual or the dependents of the individual is entitled to receive  
 20 under the retirement system in which the individual was a participant at the time of  
 21 the claim.

22 (2) The benefits received under this title shall be adjusted so that the  
 23 weekly total of those benefits and retirement benefits does not exceed the weekly  
 24 salary that was paid to the paid law enforcement employee of the Department of  
 25 Natural Resources, firefighter, fire fighting instructor, [sworn member of the Office of  
 26 the State Fire Marshal, police officer, deputy sheriff,] LAW ENFORCEMENT OFFICER,  
 27 or Prince George’s County or Montgomery County correctional officer.

## 28 Article – Public Safety

29 3-101.

30 (e) (1) “Law enforcement officer” means an individual who:

31 (i) in an official capacity is authorized by law to make arrests;  
 32 and

33 (ii) is a member of one of the following law enforcement  
 34 agencies:

35 1. the Department of State Police;



