

HOUSE No. 2437

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

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 passage of the accompanying bill:

An Act RELATIVE TO INFECTIOUS DISEASES.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sean Garballey	23rd Middlesex
Willie Mae Allen	6th Suffolk
William Lantigua	16th Essex
Rosemary Sandlin	3rd Hampden
Benjamin Swan	11th Hampden
Martin J. Walsh	13th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO INFECTIOUS DISEASES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 26 of chapter 31 of the General Laws, as appearing in the 2000 Official Edition,
2 is hereby amended by striking out, in line eighty-seven, the words “and ninety-four B” and
3 inserting in place thereof the following words:—, ninety-four B and ninety-four C.

4 SECTION 2. Chapter 32 of the General Laws is hereby amended by inserting after section
5 ninety-four B, as so appearing, the following section:—

6 Section 94C. (1) Notwithstanding the provisions of any general or special law to the contrary,
7 any condition or impairment of health caused by hepatitis B, hepatitis C, Acquired Immune
8 Deficiency Syndrome (AIDS) or tuberculosis, resulting in total disability or death to a uniformed
9 member of a paid fire department, or to any permanent crash crewman, crash boatman, fire
10 controlman or assistant fire controlman employed at the General Edward Lawrence Logan
11 International Airport, shall, if he successfully passed a physical examination on entry into such
12 service or subsequent to such entry, which examination failed to reveal any evidence of such
13 condition, be presumed to have been suffered in the line of duty, unless it is shown by a

14 preponderance of the evidence that non-service connected risk factors or non-service connected
15 accidents or hazards undergone, or any combination thereof, caused such incapacity.

16 (2) The provisions of this section shall also apply to infectious diseases, other than those listed
17 in subdivision (1), which, in general, may result from an occupational exposure to blood borne
18 pathogens, as determined by the commissioner of the department of public health, and the
19 incidence of which is found by regulation by said commissioner to have a statistically significant
20 correlation with fire service.

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

23 SECTION 3. Section 100 of said chapter 32, as so appearing, is hereby amended by striking out,
24 in line seventy-six, the words “and ninety-four B” and inserting in place thereof the following
25 words:—, ninety-four B and ninety-four C.

26 SECTION 4. Section 100A of said chapter 32, as so appearing, is hereby amended by striking
27 out, in line twenty-three, the words “and 94B” and inserting in place thereof the following
28 words:—, 94B and 94C.

29 SECTION 5. The provisions of this act shall apply only to a person actively employed as a
30 uniformed member of a paid fire department or as a permanent crash crewman, crash boatman,
31 fire controlman or assistant fire controlman employed at the General Edward Lawrence Logan
32 International Airport, on or after the effective date of this act.

33 SECTION 6. The provisions of section two shall not be construed to affect the interpretation of
34 the provisions of said section ninety-four, ninety-four A or ninety-four B of chapter thirty-two of
35 the General Laws.

36 SECTION 7. The provisions of this act shall be effective in every retirement system established
37 by or operating under the provisions of chapter thirty-two of the General Laws or under the
38 similar provisions of any other general or special law, and for every governmental unit which is a
39 member of such retirement system, notwithstanding the provisions of section 27C of chapter 29
40 of the General Laws.