

HOUSE No. 2648

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey and Daniel Cahill

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 Parkinson's disease disability and death in firefighters.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/2/2021</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>2/3/2021</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	<i>2/23/2021</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>2/23/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/23/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/23/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/24/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/24/2021</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/24/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/24/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/25/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/25/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/25/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/26/2021</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>2/26/2021</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/26/2021</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/26/2021</i>

<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>2/26/2021</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/26/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/26/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/26/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/26/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/26/2021</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>2/26/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/26/2021</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/26/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/26/2021</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>2/26/2021</i>
<i>Jerald A. Parisella</i>	<i>6th Essex</i>	<i>3/1/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>3/2/2021</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>3/2/2021</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>3/5/2021</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>3/5/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/12/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/17/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/17/2021</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>3/25/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>3/25/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>3/30/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/1/2021</i>

HOUSE No. 2648

By Messrs. Garballey of Arlington and Cahill of Lynn, a petition (accompanied by bill, House, No. 2648) of Sean Garballey, Daniel Cahill and others relative to Parkinson's disease disability and death of certain firefighters and other public safety officers in the contributory retirement plan for public employees. Public Service.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to Parkinson's disease disability and death in firefighters.

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 1. Section 26 of chapter 31 of the General Laws as appearing in the 2014
2 Official Edition, is hereby amended by striking out, in line 106, the words "and ninety-four B"
3 and inserting in place thereof the following words:

4 ",ninety-four B and ninety-four C."

5 SECTION 2. Chapter 32 of the General Laws are hereby amended by inserting after
6 section 94B the following section:-

7 Section 94C. (1) Notwithstanding the provisions of any general or special law to the
8 contrary affecting the non-contributory or contributory retirement system, any condition of
9 impairment of health caused by Parkinson's Disease, resulting in total or partial disability or
10 death to a uniformed member of a paid fire department, or a member of the state police assigned
11 to the fire investigation unit of the department of fire services, or a member of the state police K9

12 unit, or to any permanent crash crewman, crash boatman, fire controlman or assistant fire
13 controlman employed at the General Edward Lawrence Logan International Airport, members of
14 the 104th fighter wing fire department or members of the Joint Base Cape Cod fire department,
15 shall, if he successfully passed a physical examination on entry into such service or subsequent
16 to such entry, which examination failed to reveal any evidence of such condition, be presumed to
17 have been suffered in the line of duty, unless it is shown by a preponderance of the evidence that
18 non-service connected risk factors or non-service connected accidents or hazards undergone, or
19 any combination thereof, caused such incapacity.

20 (2) The provisions of this section shall not apply to any person serving in such positions
21 for fewer than five years at the time that such condition is first discovered, or should have been
22 discovered. Any person first discovering any such condition prior to or within five years from the
23 date on which such person has reached the maximum retirement age shall be eligible to apply for
24 benefits hereunder, and such benefits, if granted, shall be payable as of the date on which the
25 employee last received regular compensation. The provisions of this section shall not apply to
26 any person serving in such position unless such person shall first establish that he has regularly
27 responded to calls of fire or their investigation at the scene during some portion of the period of
28 his service in such position.

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

31 SECTION 3. Section 100 of chapter 32 of the General Laws as appearing in the 2014
32 Official Edition, is hereby amended by striking out, in line 79, the words "and ninety-four B" and
33 inserting in place thereof the following words:

34 ",ninety-four B and ninety-four C."

35 SECTION 4. Section 100A of chapter 32 of the General Laws as appearing in the 2014
36 Official Edition, is hereby amended by striking out, in line 34, the words "and 94B" and inserting
37 in place thereof the following words:

38 ",94B and 94C."

39 SECTION 5. The provisions of section two shall not be construed to affect the
40 interpretation of the provisions of sections ninety-four, ninety-four A or ninety-four B of chapter
41 thirty-two of the General Laws.

42 SECTION 6. The provisions of this act shall be effective in every retirement system
43 established by or operating under the provisions of chapter thirty-two of the General Laws or
44 under the similar provisions of any other general or special law, and for every governmental unit
45 which is a member of such retirement system, notwithstanding the provisions of section twenty-
46 seven C of chapter twenty-nine of the General Laws.

47 SECTION 7. The provisions of this act shall apply only to a person actively employed as
48 a uniformed member of a paid fire department, or a member of the state police assigned to the
49 fire investigation unit of the department of fire services, or a member of the state police K9 unit,
50 or to any permanent crash crewman, crash boatman, fire controlman or assistant fire controlman
51 employed at the General Edward Lawrence Logan International Airport, members of the 104th
52 fighter wing fire department or members of the Joint Base Cape Cod fire department on or after
53 the date exactly 5 years prior to the date this law becomes effective.