

1-1 By: Springer, et al. S.B. No. 22
 1-2 (In the Senate - Filed March 9, 2021; March 11, 2021, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 19, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 1; April 19, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 22 By: Schwertner

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain claims for benefits or compensation by certain
 1-22 public safety employees.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 607.002, Government Code, is amended to
 1-25 read as follows:

1-26 Sec. 607.002. REIMBURSEMENT. (a) A public safety employee
 1-27 who is exposed to a contagious disease is entitled to reimbursement
 1-28 from the employing governmental entity for reasonable medical
 1-29 expenses incurred in treatment for the prevention of the disease
 1-30 if:

1-31 (1) the disease is not an "ordinary disease of life" as
 1-32 that term is used in the context of a workers' compensation claim;

1-33 (2) the exposure to the disease occurs during the
 1-34 course of the employment; and

1-35 (3) the employee requires preventative medical
 1-36 treatment because of exposure to the disease.

1-37 (b) For purposes of this section, a disease is not an
 1-38 "ordinary disease of life" if the disease is the basis for a
 1-39 disaster declared by the governor under Section 418.014 for all or
 1-40 part of the state.

1-41 SECTION 2. The heading to Subchapter B, Chapter 607,
 1-42 Government Code, is amended to read as follows:

1-43 SUBCHAPTER B. DISEASES OR ILLNESSES SUFFERED BY DETENTION
 1-44 OFFICERS, FIREFIGHTERS, PEACE OFFICERS, AND EMERGENCY MEDICAL
 1-45 TECHNICIANS

1-46 SECTION 3. Section 607.051, Government Code, is amended by
 1-47 amending Subdivision (1) and adding Subdivision (1-a) to read as
 1-48 follows:

1-49 (1) "Detention officer" means:

1-50 (A) a corrections officer employed by the Texas
 1-51 Department of Criminal Justice; or

1-52 (B) a person employed as a county jail guard
 1-53 under Section 85.005, Local Government Code, and licensed under
 1-54 Chapter 1701, Occupations Code.

1-55 (1-a) "Disability" means partial or total disability.

1-56 SECTION 4. Sections 607.052(a), (b), (e), and (g),
 1-57 Government Code, are amended to read as follows:

1-58 (a) Notwithstanding any other law, this subchapter applies
 1-59 only to a detention officer, firefighter, peace officer, or
 1-60 emergency medical technician who:

2-1 (1) on becoming employed or during employment as a
2-2 detention officer, firefighter, peace officer, or emergency
2-3 medical technician, received a physical examination that failed to
2-4 reveal evidence of the illness or disease for which benefits or
2-5 compensation are sought using a presumption established by this
2-6 subchapter;

2-7 (2) is employed for five or more years as a
2-8 firefighter, peace officer, or emergency medical technician,
2-9 except for purposes of the presumption under Section 607.0545; and

2-10 (3) seeks benefits or compensation for a disease or
2-11 illness covered by this subchapter that is discovered during
2-12 employment as a detention officer, firefighter, peace officer, or
2-13 emergency medical technician.

2-14 (b) A presumption under this subchapter does not apply:

2-15 (1) to a determination of a survivor's eligibility for
2-16 benefits under Chapter 615;

2-17 (2) in a cause of action brought in a state or federal
2-18 court except for judicial review of a proceeding in which there has
2-19 been a grant or denial of employment-related benefits or
2-20 compensation;

2-21 (3) to a determination regarding benefits or
2-22 compensation under a life or disability insurance policy purchased
2-23 by or on behalf of the detention officer, firefighter, peace
2-24 officer, or emergency medical technician that provides coverage in
2-25 addition to any benefits or compensation required by law; or

2-26 (4) if the disease or illness for which benefits or
2-27 compensation is sought is known to be caused by the use of tobacco
2-28 and:

2-29 (A) the firefighter, peace officer, or emergency
2-30 medical technician is or has been a user of tobacco; or

2-31 (B) the firefighter's, peace officer's, or
2-32 emergency medical technician's spouse has, during the marriage,
2-33 been a user of tobacco that is consumed through smoking.

2-34 (e) A detention officer, firefighter, peace officer, or
2-35 emergency medical technician who uses a presumption established
2-36 under this subchapter is entitled only to the benefits or
2-37 compensation to which the detention officer, firefighter, peace
2-38 officer, or emergency medical technician would otherwise be
2-39 entitled to receive at the time the claim for benefits or
2-40 compensation is filed.

2-41 (g) This subchapter applies to a detention officer,
2-42 firefighter, peace officer, or emergency medical technician who
2-43 provides services as an employee of an entity created by an
2-44 interlocal agreement.

2-45 SECTION 5. Subchapter B, Chapter 607, Government Code, is
2-46 amended by adding Section 607.0545 to read as follows:

2-47 Sec. 607.0545. DISEASES THAT CAUSE A DISASTER DECLARATION.

2-48 A detention officer, firefighter, peace officer, or emergency
2-49 medical technician who contracts a disease that is the basis for a
2-50 disaster declared by the governor under Section 418.014 or other
2-51 law for all or part of the state that results in death or total or
2-52 partial disability is presumed to have contracted the disease
2-53 during the course and scope of employment as a detention officer,
2-54 firefighter, peace officer, or emergency medical technician if the
2-55 detention officer, firefighter, peace officer, or emergency
2-56 medical technician:

2-57 (1) is employed in the area designated in the disaster
2-58 declaration; and

2-59 (2) contracts the disease during the disaster declared
2-60 by the governor.

2-61 SECTION 6. Section 607.057, Government Code, is amended to
2-62 read as follows:

2-63 Sec. 607.057. EFFECT OF PRESUMPTION. Except as provided by
2-64 Section 607.052(b), a presumption established under this
2-65 subchapter applies to a determination of whether a detention
2-66 officer's, firefighter's, peace officer's, or emergency medical
2-67 technician's disability or death resulted from a disease or illness
2-68 contracted in the course and scope of employment for purposes of
2-69 benefits or compensation provided under another employee benefit,

3-1 law, or plan, including a pension plan.

3-2 SECTION 7. Section 607.058, Government Code, is amended to
3-3 read as follows:

3-4 Sec. 607.058. PRESUMPTION REBUTTABLE. (a) A presumption
3-5 under Section 607.053, 607.054, 607.0545, 607.055, or 607.056 may
3-6 be rebutted through a showing by a preponderance of the evidence
3-7 that a risk factor, accident, hazard, or other cause not associated
3-8 with the individual's service as a detention officer, firefighter,
3-9 peace officer, or emergency medical technician was a substantial
3-10 factor in bringing about the individual's disease or illness,
3-11 without which the disease or illness would not have occurred.

3-12 (b) A rebuttal offered under this section must include a
3-13 statement by the person offering the rebuttal that describes, in
3-14 detail, the evidence that the person reviewed before making the
3-15 determination that a cause not associated with the individual's
3-16 service as a detention officer, firefighter, peace officer, or
3-17 emergency medical technician was a substantial factor in bringing
3-18 about the individual's disease or illness, without which the
3-19 disease or illness would not have occurred.

3-20 (c) In addressing an argument based on a rebuttal offered
3-21 under this section, an administrative law judge shall make findings
3-22 of fact and conclusions of law that consider whether a qualified
3-23 expert, relying on evidence-based medicine, stated the opinion
3-24 that, based on reasonable medical probability, an identified risk
3-25 factor, accident, hazard, or other cause not associated with the
3-26 individual's service as a detention officer, firefighter, or
3-27 emergency medical technician was a substantial factor in bringing
3-28 about the individual's disease or illness, without which the
3-29 disease or illness would not have occurred.

3-30 SECTION 8. (a) The changes in law made by this Act apply to
3-31 a claim for benefits, compensation, or assistance pending on or
3-32 filed on or after the effective date of this Act. A claim for
3-33 benefits, compensation, or assistance filed before that date, other
3-34 than a claim pending on that date, is covered by the law in effect on
3-35 the date the claim was made, and that law is continued in effect for
3-36 that purpose.

3-37 (b) Notwithstanding any other law, a person who on or after
3-38 the date the governor declared a disaster under Chapter 418,
3-39 Government Code, relating to SARS-CoV-2, coronavirus disease 2019
3-40 (COVID-19), but before the effective date of this Act, contracted
3-41 SARS-CoV-2, coronavirus disease 2019 (COVID-19), may file a claim
3-42 for benefits, compensation, or assistance related to SARS-CoV-2,
3-43 coronavirus disease 2019 (COVID-19), on or after the effective date
3-44 of this Act, regardless of whether that claim is otherwise
3-45 considered untimely and the changes in law made by this Act apply to
3-46 that claim.

3-47 (c) Notwithstanding Subsection (a) of this section, a
3-48 person who on or after the date the governor declared a disaster
3-49 under Chapter 418, Government Code, relating to SARS-CoV-2,
3-50 coronavirus disease 2019 (COVID-19), but before the effective date
3-51 of this Act, filed a claim for benefits, compensation, or
3-52 assistance related to SARS-CoV-2, coronavirus disease 2019
3-53 (COVID-19), and whose claim was subsequently denied may file
3-54 another claim on or after the effective date of this Act, and the
3-55 changes in law made by this Act apply to that claim.

3-56 SECTION 9. This Act takes effect immediately if it receives
3-57 a vote of two-thirds of all the members elected to each house, as
3-58 provided by Section 39, Article III, Texas Constitution. If this
3-59 Act does not receive the vote necessary for immediate effect, this
3-60 Act takes effect September 1, 2021.

3-61 * * * * *