

## **BILL ANALYSIS**

Senate Research Center  
78R6678 YDB-F

S.B. 1414  
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Intergovernmental Relations  
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As Filed

### **DIGEST AND PURPOSE**

Current Texas law provides that public safety personnel who contract certain occupational diseases may receive benefits if the person can prove the disease was caused by an exposure in the line of duty, and if a specific exposure is documented in a timely manner. As proposed, S.B. 1414 provides a rebuttal presumption for tuberculosis or other lung disease or illness, cancer, hepatitis C and smallpox.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 607, Government Code, to read as follows:

#### CHAPTER 607. BENEFITS RELATING TO CERTAIN DISEASES AND ILLNESSES

SECTION 2. Redesignates Sections 607.001 through 607.004, Government Code, as Chapter 607, Subchapter A, Government Code, and adds a heading for that subchapter to read as follows:

#### SUBCHAPTER A. CONTAGIOUS DISEASES

SECTION 3. Amends Chapter 607, Government Code, by adding Subchapter B, as follows:

#### SUBCHAPTER B. DISEASES OR ILLNESSES SUFFERED BY FIRST RESPONDERS

Sec. 607.051. DEFINITION. Defines "first responder."

Sec. 607.052. APPLICABILITY. Provides that, notwithstanding any other law, this subchapter applies to certain individuals.

Sec. 607.053. DISABILITY OR DEATH FROM IMMUNIZATION. (a) Provides that a first responder is presumed to have suffered a disability or death during the course and scope of employment if the first responder undertook preventative immunization measures.

(b) Provides that an immunization described by this section is considered preventative whether the immunization occurs before or after exposure to the disease for which the immunization is prescribed.

(c) Provides that a presumption established under Subsection (a) may not be rebutted by certain evidence.

(d) Provides that a first responder who suffers from smallpox that results in total or partial disability or death is presumed to have contracted the disease during the course

and scope of employment as a first responder.

Sec. 607.054. LUNG DISEASE OR ILLNESS. (a) Provides that a first responder who suffers from tuberculosis or any other disease or illness of the lungs or respiratory tract that results in total or partial disability or death is presumed to have contracted the disease or illness during the course and scope of employment as a first responder.

(b) Authorizes a presumption under Subsection (a), if the disease or illness for which benefits or compensation is sought is known to be caused by the habitual use of tobacco, to be rebutted by credible evidence that the employee was a habitual user of tobacco within the five years preceding the date the claim is filed.

Sec. 607.055. CANCER. (a) Provides that a first responder who suffers from cancer described by this section resulting in total or partial disability or death is presumed to have developed the cancer during the course and scope of employment as a first responder.

(b) Provides that this section applies only if certain conditions are met.

(c) Provides that this section applies to a cancerous condition that affects certain anatomy and physiological aspects of the human body.

(d) Provides that this section applies to any type of cancer that the Texas Department of Health (TDH) verifies as having a statistically positive correlation with service as a first responder. Provides that TDH is not required to collect and maintain data on types of cancer and causation for purposes of this section but authorizes it to rely on information and data published by the International Agency for Research on Cancer.

Sec. 607.056. EFFECT OF PRESUMPTION. Provides that the presumption established under this subchapter applies to a determination of whether a first responder's disability or death resulted from a disease or illness contracted in the course and scope of employment for purposes of benefits or compensation provided under another employee benefit, law, or plan, including a pension plan.

Sec. 607.057. PRESUMPTION REBUTTABLE. Authorizes a presumption under Section 607.053, 607.054, or 607.055 to be rebutted through a showing by a preponderance of the evidence that a risk factor, accident, or hazard not associated with the individual's service as a first responder caused the person's disease or illness.

Sec. 607.058. LIMITATION ON CERTAIN BENEFITS. Requires any benefits to which a person described by Section 607.052(2) is entitled in accordance with a presumption established under this subchapter to be paid from the last date on which the person received regular compensation as a first responder.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2003.