

Amend CSSB 310 as follows:

(1) In SECTION 3 of the bill, in added Subsection (b), Section 607.052, Government Code, strike Subdivision (4) (committee printing page 1, lines 62-63, and page 2, lines 1-3) and substitute the following:

(4) if the disease or illness for which benefits or compensation is sought is known to be caused by the use of tobacco:

(A) the firefighter or emergency medical technician is or has been a user of tobacco; or

(B) the firefighter's or emergency medical technician's spouse has, during the marriage, been a user of tobacco that is consumed through smoking.

(2) In SECTION 3 of the bill, in added Section 607.052, Government Code, add Subsection (h) (committee printing page 2, between lines 19 and 20) to read as follows:

(h) Subsection (b)(4) only prevents the application of the presumption authorized by this subchapter and does not affect the right of a firefighter or emergency medical technician to provide proof, without the use of that presumption, that an injury or illness occurred during the course and scope of employment.