

By: Martinez

H.B. No. 365

A BILL TO BE ENTITLED

AN ACT

relating to certain diseases or illnesses suffered by firefighters and emergency medical technicians.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 607.056, Government Code, is amended to read as follows:

Sec. 607.056. ACUTE MYOCARDIAL INFARCTION OR STROKE. [~~a~~]

A firefighter or emergency medical technician who suffers an acute myocardial infarction or stroke resulting in disability or death is presumed to have suffered the disability or death during the course and scope of employment as a firefighter or emergency medical technician if [~~+~~

~~(1) while on duty, the firefighter or emergency medical technician:~~

~~[(A) was engaged in a situation that involved nonroutine stressful or strenuous physical activity involving fire suppression, rescue, hazardous material response, emergency medical services, or other emergency response activity; or~~

~~[(B) participated in a training exercise that involved nonroutine stressful or strenuous physical activity; and~~

~~(2)]~~ the acute myocardial infarction or stroke occurred while the firefighter or emergency medical technician was on duty [~~engaging in the activity described under Subdivision (1)~~].

~~[(b) For purposes of this section, "nonroutine stressful or~~

1 ~~strenuous physical activity" does not include clerical,~~  
2 ~~administrative, or nonmanual activities.]~~

3 SECTION 2. Subchapter B, Chapter 607, Government Code, is  
4 amended by adding Section 607.0565 to read as follows:

5 Sec. 607.0565. CERTAIN CONTAGIOUS DISEASES. (a) A  
6 firefighter or emergency medical technician who suffers from  
7 acquired immune deficiency syndrome (AIDS), human immunodeficiency  
8 virus (HIV) infection, hepatitis B, or hepatitis C is presumed to  
9 have contracted the disease or illness during the course and scope  
10 of employment as a firefighter or emergency medical technician if  
11 while on duty the firefighter or emergency medical technician:

12 (1) regularly responded on the scene to calls  
13 involving exposure to blood or other bodily fluids potentially  
14 containing blood- or fluid-borne pathogens, either directly or in  
15 connection with the use of or exposure to sharps; or

16 (2) responded to an event involving the documented  
17 release of blood or other bodily fluids known to contain HIV,  
18 hepatitis B virus, or hepatitis C virus.

19 (b) A firefighter or emergency medical technician who  
20 suffers from methicillin-resistant Staphylococcus aureus is  
21 presumed to have become infected with the bacterium during the  
22 course and scope of employment as a firefighter or emergency  
23 medical technician if while on duty the firefighter or emergency  
24 medical technician responded to an event involving documented  
25 exposure to methicillin-resistant Staphylococcus aureus.

26 SECTION 3. Section 607.058, Government Code, is amended to  
27 read as follows:

1           Sec. 607.058. PRESUMPTION REBUTTABLE. A presumption under  
2 Section 607.053, 607.054, 607.055, [~~or~~] 607.056, or 607.0565 may be  
3 rebutted through a showing by a preponderance of the evidence that a  
4 risk factor, accident, hazard, or other cause not associated with  
5 the individual's service as a firefighter or emergency medical  
6 technician caused the individual's disease or illness.

7           SECTION 4. The changes in law made by this Act apply to a  
8 claim for benefits or compensation brought on or after the  
9 effective date of this Act. A claim for benefits or compensation  
10 brought before that date is covered by the law in effect on the date  
11 the claim was made, and that law is continued in effect for that  
12 purpose.

13           SECTION 5. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2013.