

AN ACT

relating to benefits for peace officers relating to certain diseases or illnesses.

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

SECTION 1. Section 607.004(a), Government Code, is amended to read as follows:

(a) A certified fire fighter, peace officer, or other governmental employee who operates an ambulance or who responds to emergency medical calls is entitled to preventative immunization for any disease to which the fire fighter, peace officer, or other governmental employee may be exposed in performing official duties and for which immunization is possible.

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

SUBCHAPTER B. DISEASES OR ILLNESSES SUFFERED BY FIREFIGHTERS, PEACE OFFICERS, AND EMERGENCY MEDICAL TECHNICIANS

SECTION 3. Section 607.051, Government Code, is amended by adding Subdivision (4) to read as follows:

(4) "Peace officer" means an individual elected, appointed, or employed to serve as a peace officer for a governmental entity under Article 2.12, Code of Criminal Procedure, or other law.

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

1           (a) Notwithstanding any other law, this subchapter applies  
2 only to a firefighter, peace officer, or emergency medical  
3 technician who:

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

9           (2) is employed for five or more years as a  
10 firefighter, peace officer, or emergency medical technician; and

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

15           (b) A presumption under this subchapter does not apply:

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

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

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

27           (4) if the disease or illness for which benefits or

1 compensation is sought is known to be caused by the use of tobacco  
2 and:

3 (A) the firefighter, peace officer, or emergency  
4 medical technician is or has been a user of tobacco; or

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

8 (e) A firefighter, peace officer, or emergency medical  
9 technician who uses a presumption established under this subchapter  
10 is entitled only to the benefits or compensation to which the  
11 firefighter, peace officer, or emergency medical technician would  
12 otherwise be entitled to receive at the time the claim for benefits  
13 or compensation is filed.

14 (g) This subchapter applies to a firefighter, peace  
15 officer, or emergency medical technician who provides services as  
16 an employee of an entity created by an interlocal agreement.

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

23 SECTION 5. Sections 607.053(a), (c), and (d), Government  
24 Code, are amended to read as follows:

25 (a) A firefighter, peace officer, or emergency medical  
26 technician is presumed to have suffered a disability or death  
27 during the course and scope of employment if the firefighter, peace

1 officer, or emergency medical technician:

2 (1) received preventative immunization against  
3 smallpox, or another disease to which the firefighter, peace  
4 officer, or emergency medical technician may be exposed during the  
5 course and scope of employment and for which immunization is  
6 possible; and

7 (2) suffered death or total or partial disability as a  
8 result of the immunization.

9 (c) A presumption established under Subsection (a) may not  
10 be rebutted by evidence that the immunization was:

11 (1) not required by the employer;

12 (2) not required by law; or

13 (3) received voluntarily or with the consent of the  
14 firefighter, peace officer, or emergency medical technician.

15 (d) A firefighter, peace officer, or emergency medical  
16 technician who suffers from smallpox that results in death or total  
17 or partial disability is presumed to have contracted the disease  
18 during the course and scope of employment as a firefighter, peace  
19 officer, or emergency medical technician.

20 SECTION 6. Section 607.054, Government Code, is amended to  
21 read as follows:

22 Sec. 607.054. TUBERCULOSIS OR OTHER RESPIRATORY ILLNESS. A  
23 firefighter, peace officer, or emergency medical technician who  
24 suffers from tuberculosis, or any other disease or illness of the  
25 lungs or respiratory tract that has a statistically positive  
26 correlation with service as a firefighter, peace officer, or  
27 emergency medical technician, that results in death or total or

1 partial disability is presumed to have contracted the disease or  
2 illness during the course and scope of employment as a firefighter,  
3 peace officer, or emergency medical technician.

4 SECTION 7. Section 607.056(a), Government Code, is amended  
5 to read as follows:

6 (a) A firefighter, peace officer, or emergency medical  
7 technician who suffers an acute myocardial infarction or stroke  
8 resulting in disability or death is presumed to have suffered the  
9 disability or death during the course and scope of employment as a  
10 firefighter, peace officer, or emergency medical technician if:

11 (1) while on duty, the firefighter, peace officer, or  
12 emergency medical technician:

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

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

19 (2) the acute myocardial infarction or stroke occurred  
20 while the firefighter, peace officer, or emergency medical  
21 technician was engaging in the activity described under Subdivision  
22 (1).

23 SECTION 8. Sections 607.057 and 607.058, Government Code,  
24 are amended to read as follows:

25 Sec. 607.057. EFFECT OF PRESUMPTION. Except as provided by  
26 Section 607.052(b), a presumption established under this  
27 subchapter applies to a determination of whether a firefighter's,

1 peace officer's, or emergency medical technician's disability or  
2 death resulted from a disease or illness contracted in the course  
3 and scope of employment for purposes of benefits or compensation  
4 provided under another employee benefit, law, or plan, including a  
5 pension plan.

6 Sec. 607.058. PRESUMPTION REBUTTABLE. (a) A presumption  
7 under Section 607.053, 607.054, 607.055, or 607.056 may be rebutted  
8 through a showing by a preponderance of the evidence that a risk  
9 factor, accident, hazard, or other cause not associated with the  
10 individual's service as a firefighter, peace officer, or emergency  
11 medical technician caused the individual's disease or illness.

12 (b) A rebuttal offered under this section must include a  
13 statement by the person offering the rebuttal that describes, in  
14 detail, the evidence that the person reviewed before making the  
15 determination that a cause not associated with the individual's  
16 service as a firefighter, peace officer, or emergency medical  
17 technician caused the individual's disease or illness.

18 SECTION 9. Section 409.022(d), Labor Code, is amended to  
19 read as follows:

20 (d) In this subsection, the terms "emergency medical  
21 technician," "firefighter," and "peace officer" [~~technician" and~~  
22 ~~"firefighter"~~] have the meanings assigned by Section 607.051,  
23 Government Code. In addition to the other requirements of this  
24 section, if an insurance carrier's notice of refusal to pay  
25 benefits under Section 409.021 is sent in response to a claim for  
26 compensation resulting from an emergency medical technician's,  
27 [~~or~~] a firefighter's, or a peace officer's disability or death for

1 which a presumption is claimed to be applicable under Subchapter B,  
2 Chapter 607, Government Code, the notice must include a statement  
3 by the carrier that:

4           (1) explains why the carrier determined a presumption  
5 under that subchapter does not apply to the claim for compensation;  
6 and

7           (2) describes the evidence that the carrier reviewed  
8 in making the determination described by Subdivision (1).

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

15           SECTION 11. This Act takes effect September 1, 2019.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1582 passed the Senate on April 11, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 21, 2019, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 1582 passed the House, with amendment, on May 14, 2019, by the following vote: Yeas 138, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor