

By: Canales

H.B. No. 637

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to certain claims for benefits, compensation, or  
3 assistance by certain public safety employees and survivors of  
4 certain public safety employees.

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

6 SECTION 1. Section 607.002, Government Code, is amended to  
7 read as follows:

8 Sec. 607.002. REIMBURSEMENT. (a) A public safety employee  
9 who is exposed to a contagious disease is entitled to reimbursement  
10 from the employing governmental entity for reasonable medical  
11 expenses incurred in treatment for the prevention of the disease  
12 if:

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

15 (2) the exposure to the disease occurs during the  
16 course of the employment; and

17 (3) the employee requires preventative medical  
18 treatment because of exposure to the disease.

19 (b) For purposes of this section, a disease is not an  
20 "ordinary disease of life" if the disease is the basis for a  
21 disaster declared by the governor under Section 418.014 for all or  
22 part of the state.

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



1 employment as a detention officer, firefighter, peace officer, or  
2 emergency medical technician.

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

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

6 (2) in a cause of action brought in a state or federal  
7 court except for judicial review of a proceeding in which there has  
8 been a grant or denial of employment-related benefits or  
9 compensation;

10 (3) to a determination regarding benefits or  
11 compensation under a life or disability insurance policy purchased  
12 by or on behalf of the detention officer, firefighter, peace  
13 officer, or emergency medical technician that provides coverage in  
14 addition to any benefits or compensation required by law; or

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

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

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

23 (e) A detention officer, firefighter, peace officer, or  
24 emergency medical technician who uses a presumption established  
25 under this subchapter is entitled only to the benefits or  
26 compensation to which the detention officer, firefighter, peace  
27 officer, or emergency medical technician would otherwise be

1 entitled to receive at the time the claim for benefits or  
2 compensation is filed.

3 (g) This subchapter applies to a detention officer,  
4 firefighter, peace officer, or emergency medical technician who  
5 provides services as an employee of an entity created by an  
6 interlocal agreement.

7 SECTION 5. Subchapter B, Chapter 607, Government Code, is  
8 amended by adding Section 607.0545 to read as follows:

9 Sec. 607.0545. DISEASES THAT CAUSE DISASTER DECLARATION. A  
10 detention officer, firefighter, peace officer, or emergency  
11 medical technician who contracts a disease that is the basis for a  
12 disaster declared by the governor under Section 418.014 for all or  
13 part of the state and dies or is totally or partially disabled as a  
14 result of the disease is presumed to have contracted the disease  
15 during the course and scope of employment as a detention officer,  
16 firefighter, peace officer, or emergency medical technician.

17 SECTION 6. Section 607.057, Government Code, is amended to  
18 read as follows:

19 Sec. 607.057. EFFECT OF PRESUMPTION. Except as provided by  
20 Section 607.052(b), a presumption established under this  
21 subchapter applies to a determination of whether a detention  
22 officer's, firefighter's, peace officer's, or emergency medical  
23 technician's disability or death resulted from a disease or illness  
24 contracted in the course and scope of employment for purposes of  
25 benefits or compensation provided under another employee benefit,  
26 law, or plan, including a pension plan.

27 SECTION 7. Section 607.058, Government Code, is amended to

1 read as follows:

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

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

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

1 SECTION 8. Section [615.021](#)(e)(1), Government Code, is  
2 amended to read as follows:

3 (1) "Personal injury" means an injury resulting from:  
4 (A) an external force, an activity, or a disease  
5 caused by or resulting from:

6 (i) [~~(A)~~] a line-of-duty accident; or

7 (ii) [~~(B)~~] an illness caused by  
8 line-of-duty work under hazardous conditions; or

9 (B) a disease that is the basis for a disaster  
10 declared by the governor under Section [418.014](#) for all or part of  
11 the state.

12 SECTION 9. Subchapter B, Chapter [615](#), Government Code, is  
13 amended by adding Section [615.0211](#) to read as follows:

14 Sec. [615.0211](#). PRESUMPTION OF LINE OF DUTY INJURY. (a) In  
15 this section, "line of duty" has the meaning assigned by Section  
16 [615.021](#).

17 (b) An individual listed under Section [615.003](#) who suffers a  
18 personal injury resulting from a disease that is the basis for a  
19 disaster declared by the governor under Section [418.014](#) for all or  
20 part of the state is presumed to have sustained the injury in the  
21 line of duty in the individual's position as described by Section  
22 [615.003](#).

23 SECTION 10. Section [615.072](#)(c)(1), Government Code, is  
24 amended to read as follows:

25 (1) "Personal injury" means an injury resulting from:  
26 (A) an external force, an activity, or a disease  
27 caused by or resulting from:

1                    (i) [~~(A)~~] a line-of-duty accident; or  
2                    (ii) [~~(B)~~] an illness caused by  
3 line-of-duty work under hazardous conditions; or  
4                    (B) a disease that is the basis for a disaster  
5 declared by the governor under Section 418.014 for all or part of  
6 the state.

7            SECTION 11. Subchapter D, Chapter 615, Government Code, is  
8 amended by adding Section 615.0721 to read as follows:

9            Sec. 615.0721. PRESUMPTION OF LINE OF DUTY INJURY. (a) In  
10 this section, "line of duty" has the meaning assigned by Section  
11 615.072.

12            (b) An individual listed under Section 615.071 who suffers a  
13 personal injury resulting from a disease that is the basis for a  
14 disaster declared by the governor under Section 418.014 for all or  
15 part of the state is presumed to have sustained the injury in the  
16 line of duty in the individual's position as described by Section  
17 615.071.

18            SECTION 12. The changes in law made by this Act apply to a  
19 claim for benefits, compensation, or assistance brought on or after  
20 the effective date of this Act. A claim for benefits, compensation,  
21 or assistance brought before that date is covered by the law in  
22 effect on the date the claim was made, and that law is continued in  
23 effect for that purpose.

24            SECTION 13. This Act takes effect immediately if it  
25 receives a vote of two-thirds of all the members elected to each  
26 house, as provided by Section 39, Article III, Texas Constitution.  
27 If this Act does not receive the vote necessary for immediate

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1 effect, this Act takes effect September 1, 2021.