

By: Dean

H.B. No. 4301

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. Subchapter B, Chapter 607, Government Code, is
24 amended by adding Section 607.0545 to read as follows:

1 Sec. 607.0545. DISEASES THAT CAUSE A DISASTER DECLARATION.

2 A firefighter, peace officer, or emergency medical technician who
3 contracts a disease that is the basis for a disaster declared by the
4 governor under Section 418.014 for all or part of the state that
5 results in death or total or partial disability is presumed to have
6 contracted the disease during the course and scope of employment as
7 a firefighter, peace officer, or emergency medical technician.

8 SECTION 3. Section 607.058(a), Government Code, is amended
9 to read as follows:

10 (a) A presumption under Section 607.053, 607.054, 607.0545,
11 607.055, or 607.056 may be rebutted through a showing by a
12 preponderance of the evidence that a risk factor, accident, hazard,
13 or other cause not associated with the individual's service as a
14 firefighter, peace officer, or emergency medical technician was a
15 substantial factor in bringing about the individual's disease or
16 illness, without which the disease or illness would not have
17 occurred.

18 SECTION 4. Section 615.021(e)(1), Government Code, is
19 amended to read as follows:

20 (1) "Personal injury" means an injury resulting from:

21 (A) an external force, an activity, or a disease
22 caused by or resulting from:

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

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

26 (B) a disease that is the basis for a disaster
27 declared by the governor under Section 418.014 for all or part of

1 the state.

2 SECTION 5. Subchapter B, Chapter 615, Government Code, is
3 amended by adding Section 615.0211 to read as follows:

4 Sec. 615.0211. PRESUMPTION OF LINE-OF-DUTY INJURY. (a) In
5 this section, "line of duty" has the meaning assigned by Section
6 615.021.

7 (b) An individual listed under Section 615.003 who suffers a
8 personal injury resulting from a disease that is the basis for a
9 disaster declared by the governor under Section 418.014 for all or
10 part of the state is presumed to have sustained the injury in the
11 line of duty in the individual's position as described by Section
12 615.003.

13 SECTION 6. Section 615.072(c)(1), Government Code, is
14 amended to read as follows:

15 (1) "Personal injury" means an injury resulting from:
16 (A) an external force, an activity, or a disease
17 caused by or resulting from:

18 (i) [~~A~~] a line-of-duty accident; or
19 (ii) [~~B~~] an illness caused by
20 line-of-duty work under hazardous conditions; or

21 (B) a disease that is the basis for a disaster
22 declared by the governor under Section 418.014 for all or part of
23 the state.

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

26 Sec. 615.0721. PRESUMPTION OF LINE-OF-DUTY INJURY. (a) In
27 this section, "line of duty" has the meaning assigned by Section

1 [615.072.](#)

2 (b) An individual listed under Section [615.071](#) who suffers a
3 personal injury resulting from a disease that is the basis for a
4 disaster declared by the governor under Section [418.014](#) for all or
5 part of the state is presumed to have sustained the injury in the
6 line of duty in the individual's position as described by Section
7 [615.071](#).

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

14 SECTION 9. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section [39](#), Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2021.