

By: Canales

H.B. No. 2315

A BILL TO BE ENTITLED

AN ACT

relating to certain presumptions applicable to claims for benefits for certain public safety employees.

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

SECTION 1. Sections 607.052(a), (b), and (h), Government Code, are amended to read as follows:

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

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

(2) is employed for five or more years as a firefighter, peace officer, or emergency medical technician, except for the presumptions [~~presumption~~] under Sections 607.053 and [Section] 607.0545; and

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

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

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

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

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

(4) if the disease or illness for which benefits or compensation is sought is a cancer listed in Section 607.055 and known to be caused by the use of tobacco and:

(A) the firefighter~~[, peace officer,]~~ or emergency medical technician has used a tobacco product in the five years preceding the diagnosis of the cancer ~~[is or has been a user of tobacco];~~ or

(B) the firefighter's~~[, peace officer's,]~~ or emergency medical technician's spouse has, during the marriage, used a tobacco product that is consumed through smoking in the five years preceding the diagnosis of the cancer ~~[been a user of tobacco that is consumed through smoking].~~

(h) Subsection (b)(4) only prevents the application of the presumption authorized by this subchapter and does not affect the right of a firefighter~~[, peace officer,]~~ or emergency medical

1 technician to provide proof, without the use of that presumption,  
2 that an injury or illness occurred during the course and scope of  
3 employment.

4       SECTION 2. The changes in law made by this Act apply only to  
5 a claim for benefits or compensation brought on or after the  
6 effective date of this Act. A claim for benefits or compensation  
7 brought before the effective date of this Act is governed by the law  
8 in effect on the date the claim was made, and the former law is  
9 continued in effect for that purpose.

10       SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2023.