

By: Canales

H.B. No. 2317

A BILL TO BE ENTITLED

AN ACT

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

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

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

(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 known to be caused by the use of tobacco and:

(A) the detention officer, firefighter, peace officer, or emergency medical technician has used a tobacco product

1 in the five years preceding the diagnosis of the disease or illness
2 ~~[is or has been a user of tobacco]~~; or

3 (B) the detention officer's, firefighter's,
4 peace officer's, or emergency medical technician's spouse has,
5 during the marriage, used a tobacco product that is consumed
6 through smoking in the five years preceding the diagnosis of the
7 disease or illness ~~[been a user of tobacco that is consumed through~~
8 ~~smoking]~~.

9 (h) Subsection (b)(4) only prevents the application of the
10 presumption authorized by this subchapter and does not affect the
11 right of a detention officer, firefighter, peace officer, or
12 emergency medical technician to provide proof, without the use of
13 that presumption, that an injury or illness occurred during the
14 course and scope of employment.

15 SECTION 2. Section 607.056, Government Code, is amended to
16 read as follows:

17 Sec. 607.056. ACUTE MYOCARDIAL INFARCTION OR STROKE. (a) A
18 detention officer, firefighter, peace officer, or emergency
19 medical technician who suffers an acute myocardial infarction or
20 stroke resulting in disability or death is presumed to have
21 suffered the disability or death during the course and scope of
22 employment as a detention officer, firefighter, peace officer, or
23 emergency medical technician if:

24 (1) while on duty, the detention officer, firefighter,
25 peace officer, or emergency medical technician:

26 (A) was engaged in a situation that involved
27 ~~[nonroutine]~~ stressful or strenuous physical activity involving

1 law enforcement, supervision of inmates, fire suppression, rescue,
2 hazardous material response, emergency medical services, or other
3 emergency response activity; ~~or~~

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

6 (C) was exposed to smoke, fumes, or toxic
7 substances; and

8 (2) the acute myocardial infarction or stroke occurred
9 not later than 72 hours after the end of a shift in which ~~[while]~~ the
10 detention officer, firefighter, peace officer, or emergency
11 medical technician was engaging in the activity described under
12 Subdivision (1).

13 (b) For purposes of this section, "~~[nonroutine]~~ stressful
14 or strenuous physical activity" does not include clerical,
15 administrative, or nonmanual activities.

16 SECTION 3. The changes in law made by this Act apply only to
17 a claim for benefits or compensation brought on or after the
18 effective date of this Act. A claim for benefits or compensation
19 brought before the effective date of this Act is governed by the law
20 in effect on the date the claim was made, and the former law is
21 continued in effect for that purpose.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2023.