

By: Middleton

S.B. No. 454

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of a firefighter or emergency medical technician for workers' compensation benefits for infertility.

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

SECTION 1. Subchapter A, Chapter 408, Labor Code, is amended by adding Section 408.009 to read as follows:

Sec. 408.009. PRESUMPTION OF COMPENSABILITY OF INFERTILITY FOR FIREFIGHTERS AND EMERGENCY MEDICAL TECHNICIANS. (a) In this section:

(1) "Firefighter" and "emergency medical technician" have the meanings assigned by Section 607.051, Government Code.

(2) "Infertility" means a disease of the male or female reproductive system defined by the failure to achieve a pregnancy after at least 12 months of regular unprotected sexual intercourse.

(b) A firefighter or emergency medical technician who suffers from infertility is presumed to have developed infertility during the course and scope of employment as a firefighter or emergency medical technician if the firefighter or emergency medical technician:

(1) regularly responded on the scene to calls involving fires or firefighting; or

(2) regularly responded to events involving the documented release of radiation or a known or suspected carcinogen

1 while the person was employed as a firefighter or emergency medical
2 technician.

3 SECTION 2. Section 409.021(a-3), Labor Code, is amended to
4 read as follows:

5 (a-3) An insurance carrier is not required to comply with
6 Subsection (a) if the claim results from an employee's disability
7 or death for which a presumption is claimed to be applicable under
8 Section 408.009 of this code or Subchapter B, Chapter 607,
9 Government Code, and, not later than the 15th day after the date on
10 which the insurance carrier received written notice of the injury,
11 the insurance carrier has provided the employee and the division
12 with a notice that describes all steps taken by the insurance
13 carrier to investigate the injury before the notice was given and
14 the evidence the carrier reasonably believes is necessary to
15 complete its investigation of the compensability of the
16 injury. The commissioner shall adopt rules as necessary to
17 implement this subsection.

18 SECTION 3. Section 415.021(c-2), Labor Code, is amended to
19 read as follows:

20 (c-2) In determining whether to assess an administrative
21 penalty involving a claim in which the insurance carrier provided
22 notice under Section 409.021(a-3), the commissioner shall consider
23 whether:

24 (1) the employee cooperated with the insurance
25 carrier's investigation of the claim;

26 (2) the employee timely authorized access to the
27 applicable medical records before the insurance carrier's deadline

1 to:

2 (A) begin payment of benefits; or

3 (B) notify the division and the employee of the
4 insurance carrier's refusal to pay benefits; and

5 (3) the insurance carrier conducted an investigation
6 of the claim, applied the statutory presumptions under Section
7 408.009 of this code or Subchapter B, Chapter 607, Government Code,
8 and expedited medical benefits under Section 504.055.

9 SECTION 4. Section 408.009, Labor Code, as added by this
10 Act, applies only to a claim for workers' compensation benefits
11 filed on or after the effective date of this Act. A claim filed
12 before that date is governed by the law as it existed on the date the
13 claim was filed, and the former law is continued in effect for that
14 purpose.

15 SECTION 5. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2025.