

FIRST REGULAR SESSION

HOUSE BILL NO. 1293

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPARKS.

2461H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 87.006, RSMo, and to enact in lieu thereof one new section relating to line of duty retirement benefits for certain persons exposed to hazardous materials.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 87.006, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 87.006, to read as follows:

87.006. 1. Notwithstanding the provisions of any law to the contrary, and only for the purpose of computing retirement benefits provided by an established retirement plan, after five years' service, any condition of impairment of health caused by any infectious disease, disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart resulting in total or partial disability or death to a uniformed member of a paid fire department **or paid fire and explosion investigator**, who successfully passed a physical examination within five years prior to the time a claim is made for such disability or death, which examination failed to reveal any evidence of such condition, shall be presumed to have been suffered in the line of duty, unless the contrary be shown by competent evidence. In order to receive the presumption that an infectious disease was contracted in the line of duty, the member **or investigator** shall submit to an annual physical examination, at which a blood test is administered.

2. Any condition of cancer affecting the skin or the central nervous, lymphatic, digestive, hematological, urinary, skeletal, oral, breast, testicular, genitourinary, liver or prostate systems, as well as any condition of cancer which may result from exposure to heat or radiation or to a known or suspected carcinogen as determined by the International Agency for Research on Cancer, which results in the total or partial disability or death to a uniformed

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 member of a paid fire department **or paid fire and explosion investigator**, who successfully
19 passed a physical examination within five years prior to the time a claim is made for disability
20 or death, which examination failed to reveal any evidence of such condition, shall be
21 presumed to have been suffered in the line of duty unless the contrary be shown by competent
22 evidence and it can be proven to a reasonable degree of medical certainty that the condition
23 did not result nor was contributed to by the voluntary use of tobacco.

24 3. **(1)** This section shall apply to paid members of all fire departments of all counties,
25 cities, towns, fire districts, and other governmental units **and paid fire and explosion**
26 **investigators.**

27 **(2)** For the purposes of this section, the term "paid fire and explosion
28 investigator" means any person who is employed by a political subdivision whose
29 official job duties involve investigation of fires or explosions to determine the origin or
30 cause of such fire or explosion, or responsibility for such fire or explosion.

31 4. As used in this section, the term "infectious disease" means the human
32 immunodeficiency virus, acquired immunodeficiency syndrome, tuberculosis, hepatitis A,
33 hepatitis B, hepatitis C, hepatitis D, diphtheria, meningococcal meningitis, methicillin-
34 resistant staphylococcus aureus, hemorrhagic fever, plague, rabies, and severe acute
35 respiratory syndrome.

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