

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR

SENATE BILL NO. 238

96TH GENERAL ASSEMBLY

2011

1042S.04T

AN ACT

To repeal sections 87.005 and 87.006, RSMo, and to enact in lieu thereof two new sections relating to diseases presumed incurred in the line of duty by firefighters.

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

Section A. Sections 87.005 and 87.006, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 87.005 and 87.006, to read as follows:

87.005. 1. Notwithstanding the provisions of any law to the contrary, after five years' service, any condition of impairment of health caused by any **infectious disease**, disease of the lungs or respiratory tract, hypertension, or disease of the heart resulting in total or partial disability or death to a uniformed member of a paid fire department, 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 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 shall submit to an annual physical examination, at which a blood test is administered.**

2. This section shall apply only to the provisions of chapter 87, RSMo 1959.

3. As used in this section, the term "infectious disease" means the human immunodeficiency virus, acquired immunodeficiency syndrome, tuberculosis, hepatitis A, hepatitis B, hepatitis C, hepatitis

18 **D, diphtheria, meningococcal meningitis, methicillin-resistant**
19 **staphylococcus aureus, hemorrhagic fever, plague, rabies, and severe**
20 **acute respiratory syndrome.**

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

15 2. Any condition of cancer affecting the skin or the central nervous,
16 lymphatic, digestive, hematological, urinary, skeletal, oral, breast, testicular,
17 genitourinary, liver or prostate systems, as well as any condition of cancer
18 which may result from exposure to heat or radiation or to a known or
19 suspected carcinogen as determined by the International Agency for Research
20 on Cancer, which results in the total or partial disability or death to a
21 uniformed member of a paid fire department who successfully passed a
22 physical examination within five years prior to the time a claim is made for
23 disability or death, which examination failed to reveal any evidence of such
24 condition, shall be presumed to have been suffered in the line of duty unless
25 the contrary be shown by competent evidence and it can be proven to a
26 reasonable degree of medical certainty that the condition did not result nor
27 was contributed to by the voluntary use of tobacco.

28 3. This section shall apply to paid members of all fire departments of
29 all counties, cities, towns, fire districts, and other governmental units.

30 4. **As used in this section, the term "infectious disease" means**
31 **the human immunodeficiency virus, acquired immunodeficiency**
32 **syndrome, tuberculosis, hepatitis A, hepatitis B, hepatitis C, hepatitis**
33 **D, diphtheria, meningococcal meningitis, methicillin-resistant**

34 **staphylococcus aureus, hemorrhagic fever, plague, rabies, and severe**
35 **acute respiratory syndrome.**

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Unofficial

Bill

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