

By Mr. DiPaola of Malden, petition of the Professional Fire Fighters of Massachusetts and James V. DiPaola that infectious diseases contracted by certain public safety employees be included in the disability retirement law. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT RELATIVE TO INFECTIOUS DISEASE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 32 of the General Laws is Amended by adding the fol-
2 lowing section: 94C: Notwithstanding the provisions of any gen-
3 eral or special law to the contrary affecting the non-contributory
4 or contributory system, any condition of impairment of health
5 caused by any form of hepatitis, tuberculosis, or AIDS resulting in
6 total or partial disability or death to a uniformed member of a paid
7 fire department or permanent member of a police department, or
8 of the police force of the MBTA, or of the state police, or of the
9 public works building police, or to any employee in the depart-
10 ment of correction whose regular or incidental duties require the
11 care, supervision, or custody of prisoners, criminally insane per-
12 sons or defective delinquents, or to any permanent crash crew-
13 man, crash boatman, fire controlman, or assistant fire controlman
14 employed at the General Edward Lawrence Logan International
15 Airport, shall if he successfully passed a physical examination on
16 entry into such service, or employed by any state, county or local
17 entity shall, if he or she consented to a baseline collection for HIV
18 serologic testing which tests negative for HIV, but subsequent col-
19 lection tests positive for HIV, be presumed to have been suffered
20 in the course of his or her employment. The provision of this sec-
21 tion shall apply only if the disabling or fatal condition is a type
22 which may, in general, result from exposure to known or sus-
23 pected bloodborne pathogens as determined by the Federal Center
24 for Disease Control (CDC).

25 (2) Nothing herein shall preclude a first responder from apply-
26 ing for and receiving benefits under any other provisions of the
27 General Laws related to work-incurred injuries and diseases.

28 Section 94D. Extension of benefits for first responders suffer-
29 ing from work-related infection of AIDS, or HIV. A first re-
30 sponder employed by state, county or local entity who is deter-
31 mined to be infected with AIDS or HIV shall have the right to
32 continue to work as long as his or her attending physician believes
33 there is no danger to the first responder or his or her patient, with
34 no loss in salary, seniority status, grade or benefits, including, but
35 not limited to health insurance. Nor shall there be any discrimina-
36 tion by the employer against the employee.

37 Section 94E. Supplementary Employer Payments for Certain
38 Workers. When a first responder employed by state, county or
39 local entity has been found to be disabled due to personal injuries,
40 as a result of HIV infection arising out of his employment, as
41 determined in Section 94C(1) of this Chapter, the employer shall
42 supplement any workers compensation established under this
43 chapter by an amount equal to the difference between this amount
44 and the worker's average weekly salary.

45 Section 94F. Special Disability Insurance. Each employer in
46 Massachusetts shall provide a minimum of \$100,000 of special
47 disability insurance to any first responder in his employ who is
48 found to be HIV infected from a work-related exposure. All poli-
49 cies regarding the establishment of diagnosis of HIV infection
50 shall follow the Standards on Blood Borne Pathogens of the
51 federal Occupational Safety and Health Administration (OSHA)
52 as published on December 2, 1991.

53 Section 94G. Special life insurance for HIV-infected workers.
54 Each employer of a first responder in Massachusetts found to be
55 infected by HIV as a result of a work-related exposure as deter-
56 mined by the Standard of Blood Borne Pathogens of the federal
57 Occupational Safety and Health Administration shall provide him
58 or her with a life insurance policy equal to twice the worker's
59 most recent annual salary and to include so-called reverse-life
60 provisions when available.