

By Mrs. Canavan of Brockton, petition of the Professional Fire Fighters of Massachusetts and Christine E. Canavan 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-Seven.

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:

3 94C: Notwithstanding the provisions of any general or special
4 law to the contrary affecting the non-contributory or contributory
5 system, any condition of impairment of health caused by any form
6 of hepatitis, tuberculosis, or AIDS resulting in total or partial dis-
7 ability or death to a uniformed member of a paid fire department
8 or permanent member of a police department, or of the police
9 force of the MBTA, or of the state police, or of the public works
10 building police, or to any employee in the department of correc-
11 tion whose regular or incidental duties require the care, supervi-
12 sion, or custody of prisoners, criminally insane persons or defec-
13 tive delinquents, or to any permanent crash crewman, crash boat-
14 man, fire controlman, or assistant fire controlman employed at the
15 General Edward Lawrence Logan International Airport, shall if he
16 successfully passed a physical examination on entry into such
17 service, or employed by any state, county or local entity shall, if
18 he or she consented to a baseline collection for HIV serologic test-
19 ing which tests negative for HIV, but subsequent collection tests
20 positive for HIV, be presumed to have been suffered in the course
21 of his or her employment. The provision of this section shall
22 apply only if the disabling or fatal condition is a type which may,
23 in general, result from exposure to known or suspected blood-

24 borne pathogens as determined by the Federal Center for Disease
25 Control (CDC).

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

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

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

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

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