

Session 123 - (2019-2020)

H 3106 General Bill, By Wheeler, Martin, Kirby, Taylor and Ridgeway

Similar (S 0051, H 4777)

Summary: Firefighter, presumption of certain illnesses

A BILL TO AMEND SECTION 42-1-160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITIONS OF "INJURY" AND "PERSONAL INJURY" IN WORKERS' COMPENSATION, SO AS TO PROVIDE A DEFINITION OF "FIRST RESPONDER" AND TO MODIFY THE REQUIREMENTS OF SUCH AN EMPLOYEE SEEKING WORKERS' COMPENSATION FOR PERSONAL INJURY CAUSED BY STRESS, MENTAL INJURY, OR MENTAL ILLNESS, AND TO ADD MENTAL ILLNESS TO RELATED CONDITIONS THAT MAY BE COMPENSABLE IF RESULTING FROM A SIGNIFICANT TRAUMATIC EXPERIENCE; AND TO AMEND SECTION 42-11-30, RELATING TO THE PRESUMPTION THAT CERTAIN DISEASES SUSTAINED BY A FIREFIGHTER ARE OCCUPATIONAL DISEASES FOR THE PURPOSES OF WORKERS' COMPENSATION, SO AS TO PROVIDE CERTAIN ADDITIONAL MEDICAL CONDITIONS ALSO MUST BE PRESUMED TO BE OCCUPATIONAL DISEASES FOR THE PURPOSES OF WORKERS' COMPENSATION, TO DELETE A MINIMUM AGE FOR THE APPLICABILITY OF THIS SECTION, TO DELETE A REQUIREMENT THAT ELIGIBILITY FOR THIS PRESUMPTION BE CONDITIONED UPON THE MEDICAL CONDITION HAVING DEVELOPED WHILE THE FIREFIGHTER WAS ACTIVELY ENGAGED IN FIREFIGHTING OR WITHIN TWENTY-FOUR HOURS FROM THE LAST DATE HE ENGAGED IN FIREFIGHTING, TO PROVIDE A FIREFIGHTER WITH TEN YEARS OF SERVICE WHO SUSTAINS AN IMPAIRMENT OR INJURY CAUSED BY CANCER IS ENTITLED TO A REBUTTABLE PRESUMPTION THAT THIS IMPAIRMENT OR INJURY AROSE FROM AND IN THE COURSE OF HIS EMPLOYMENT AS A FIREFIGHTER, TO PROVIDE THIS PRESUMPTION IS CONDITIONED UPON CERTAIN MEDICAL EXAMINATIONS AND REPORTING REQUIREMENTS, AND TO PROVIDE A PERSON IS CONSIDERED TO HAVE PASSED THE REQUISITE PHYSICAL EXAMINATION IF THE FIRE DEPARTMENT FAILS TO REQUIRE OR OBTAIN THIS EXAMINATION UPON HIS ENTRY OF SERVICE.

12/18/18	House	Prefiled
12/18/18	House	Referred to Committee on Labor, Commerce and Industry
01/08/19	House	Introduced and read first time (House Journal-page 88)
01/08/19	House	Referred to Committee on Labor, Commerce and Industry (House Journal-page 88)
01/09/19	House	Member(s) request name added as sponsor: Kirby
04/24/19	House	Member(s) request name added as sponsor: Taylor
03/04/20	House	Member(s) request name added as sponsor: Ridgeway