

HB 4147- Introduced by Rep. Nancy Macy(R) as Primary and Rep. Gilda Cobb-Hunter(D)

In conjunction with the South Carolina Professional Fire Fighters Association

HB 4147 Summary

A BILL TO AMEND SECTION 42-11-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, 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 THAT 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, 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.

- Actions (4)

On March 27, 2019 in the House:

Member request name added as sponsor: Bailey

On March 19, 2019 in the House:

Member request name added as sponsor: McGinnis

On February 28, 2019 in the House:

Referred to Committee on Judiciary

Introduced and read first time

- Sponsors (4)

[SC - Representative Nancy Mace \(R\)](#) Primary Sponsor

Co-Sponsors:

[SC - Representative Gilda Cobb-Hunter \(D\)](#)

[SC - Representative Timothy A. McGinnis \(R\)](#)

[SC - Representative William H. Bailey \(R\)](#)

South Carolina General Assembly
123rd Session, 2019-2020

Bill 4147

~~Indicates Matter Stricken~~

Indicates New Matter

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

A BILL

TO AMEND SECTION 42-11-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, 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 THAT 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, 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.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 42-11-30 of the 1976 Code is amended to read:

"Section 42-11-30. (A) Notwithstanding the provisions of this chapter, for purposes of the South Carolina Workers' Compensation Law, any impairment or injury to the health of a firefighter caused by ~~heart disease or respiratory~~ disease of the heart, lungs, or respiratory tract, colon cancer, lung cancer, melanoma, mesothelioma, multiple myeloma, non-melanoma skin cancer, prostate cancer, rectal cancer, Non-Hodgkin's lymphoma, and stomach cancer resulting in total or partial disability or death is presumed to have arisen out of and in the course of employment, unless the contrary is shown by competent evidence, if the firefighter is at the time of such impairment or injury a bona fide member of a municipal, county, state, port authority, or fire control district fire department in this State.

~~In order to be entitled to the presumption provided for in this section, any person becoming a member of a fire department after May 29, 1968, must be under the age of thirty-seven years and must have successfully passed a physical examination by a competent physician upon entering into such service or by July 1, 2012, a written report of which must have been made and filed before any alleged injury with the fire department, which examination failed to reveal any evidence of such condition or conditions, and the condition or conditions developed while actively engaged in fighting a fire or within twenty-four hours from the date of last service in the activity. If the fire department employer fails to require or obtain a physical examination upon entering service, the employee is considered to have successfully passed the examination.~~

(B)(1) Notwithstanding the provisions of this chapter, for purposes of the South Carolina Workers' Compensation Law, a cardiac-related incident resulting in impairment or injury to a law enforcement officer resulting in total or partial disability, or death, is presumed to have arisen out of and in the course of employment if this impairment or injury developed while actively engaged in, or within twenty-four hours from the date of, a law enforcement incident involving unusual or extraordinary physical exertion, unless the contrary is shown by competent evidence. At the time of the incident, the law enforcement officer must be employed as a law enforcement officer of a municipal, county, state, port authority, or other law enforcement agency in this State. In order to be entitled to the presumption provided by this section, a person becoming a law enforcement officer, must be under thirty-seven years of age and upon entering into the service, must have successfully passed a physical examination which includes a risk factor assessment for coronary artery disease conducted by a competent physician who should counsel on risk factor reduction and consider current medical literature on evaluation and prevention of coronary artery disease in conducting the risk factor assessment. A written report of the examination must have been made and filed with the law enforcement agency, which examination must not have revealed evidence of cardiac impairment or injury. If the law enforcement officer is identified as being a high risk for coronary artery disease during the risk factor assessment and the law enforcement officer fails to undergo, at his own expense, additional medical tests related to discovery of coronary artery disease, he is not entitled to the presumption provided by this section.

(2) If a law enforcement agency cannot produce the report described in ~~subitem (B)~~ item (1), the law enforcement officer may submit a written report of a physical examination conducted before July 1, 2012, which includes a risk factor assessment for coronary artery disease conducted by a competent physician who also shall counsel on risk factor reduction and consider current medical literature on evaluation and prevention of coronary artery disease in conducting the risk factor.

(C) Notwithstanding the provisions of this chapter and for the purposes of this title, a firefighter with ten years of service as a firefighter who sustains an impairment or injury caused by cancer resulting in disability or death is entitled to the presumption that this disability or death arose from and in the course of his employment as a firefighter, unless the presumption is rebutted by competent evidence. In order to be entitled to the presumption provided in this subsection, a person when becoming a member of a fire department must have successfully passed a physical examination by a licensed physician, this physician must prepare a written report of this examination and indicate in the report that the examination revealed no evidence of cancer or impairment by cancer, and this report must be filed with the fire department of which the person is a member. If a fire department employer fails to require or obtain this physical examination when the person enters service with it, the person is considered to have successfully passed this examination."

SECTION 2. This act takes effect upon approval by the Governor.

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