

FIRST REGULAR SESSION

HOUSE BILL NO. 295

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HINSON (Sponsor), COLONA, NANCE, FUHR, LAMPE,
WRIGHT, KANDER, JOHNSON, JONES (117), HOUGH AND RICHARDSON (Co-sponsors).

0966L.03I

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Sections 87.005 and 87.006, RSMo, are repealed and two new sections
2 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'
2 service, any condition of impairment of health caused by any **infectious disease or** disease of
3 the lungs or respiratory tract, hypertension, or disease of the heart resulting in total or partial
4 disability or death to a uniformed member of a paid fire department, who successfully passed a
5 physical examination within five years prior to the time a claim is made for such disability or
6 death, which examination failed to reveal any evidence of such condition, shall be presumed to
7 have been suffered in line of duty, unless the contrary be shown by competent evidence.

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

87.006. 1. Notwithstanding the provisions of any law to the contrary, and only for the
2 purpose of computing retirement benefits provided by an established retirement plan, after five
3 years' service, any condition of impairment of health caused by any **infectious disease or** disease
4 of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart resulting in
5 total or partial disability or death to a uniformed member of a paid fire department, who
6 successfully passed a physical examination within five years prior to the time a claim is made
7 for such disability or death, which examination failed to reveal any evidence of such condition,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 shall be presumed to have been suffered in the line of duty, unless the contrary be shown by
9 competent evidence.

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

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

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