

BILL ANALYSIS

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S.B. 22
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

First responders play a vital role in responding to requests for assistance, triaging patients, and providing emergency medical treatment and transport for ill or injured persons. However, unlike patient care in the controlled environment of a healthcare facility, patient care and transportation by first responders present unique challenges because of the nature of their work environment:

- interventions with limited information;
- performing duties in uncontrolled public venues; or
- interacting with individuals in enclosed space, especially during transport; and
- frequent need for rapid medical decision-making.

Many first responders with suspected COVID-19 work-related cases are currently required to prove that exposure occurred during their work duties.

The Officer Down Memorial Page and the National Law Enforcement Officers Memorial Fund have recorded more COVID-19-related law enforcement deaths than those attributed to gun violence, vehicle-related, and all other causes combined in 2020. Both list about 100 law enforcement deaths from COVID-19. Officer Down is verifying another 150 deaths at this time.

The legislation would establish a statutory presumption for first responders who die from or are disabled by complications related to any disease that is the basis for a disaster declared by the governor. Therefore COVID-19-related first responder deaths or illnesses are line-of-duty deaths under the legislation.

This would resolve first responders' current problem of proving to insurance companies that they contracted COVID-19 while on the job to obtain health and death benefits related to COVID-19.

As proposed, S.B. 22 amends current law relating to certain claims for benefits, compensation, or assistance by certain public safety employees and survivors of certain public safety employees.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 607.002, Government Code, to include that a disease, for the purpose of Section 607.002 (Reimbursement), is not "an ordinary disease of life" if it is the basis for a disaster declared by the governor under Section 418.014 (Declaration of State of Disaster) for all or part of the state. Makes a nonsubstantive change.

SECTION 2. Amends Subchapter B, Chapter 607, Government Code, by adding Section 607.0545, as follows:

Sec. 607.0545. DISEASES THAT CAUSE A DISASTER DECLARATION. Provides that a firefighter, peace officer, or emergency medical technician who contracts a disease that is the basis for a disaster declared by the governor under Section 418.014 for all or

part of the state that results in death or total or partial disability is presumed to have contracted the disease during the course and scope of employment as a firefighter, peace officer, or emergency medical technician.

SECTION 3. Amends Section 607.058(a), Government Code, to include Section 607.0545 among certain sections under which a presumption that a disease that certain public safety employees contract during the course and scope of employment may be rebutted in a certain manner.

SECTION 4. Amends Section 615.021(e)(1), Government Code, to redefine "personal injury," for the purposes of certain payments to eligible survivors of certain public safety employees, to include an injury of certain public safety employees resulting from a disease that is the basis for a disaster declared by the governor under Section 418.014 for all or part of the state. Makes nonsubstantive changes.

SECTION 5. Amends Subchapter B, Chapter 615, Government Code, by adding Section 615.0211, as follows:

Sec. 615.0211. PRESUMPTION OF LINE-OF-DUTY INJURY. (a) Defines "line of duty."

(b) Provides that an individual listed under Section 615.003 (Applicability) who suffers a personal injury resulting from a disease that is the basis for a disaster declared by the governor under Section 418.014 for all or part of the state is presumed to have sustained the injury in the line of duty in the individual's position as described by Section 615.003.

SECTION 6. Amends Section 615.072(c)(1), Government Code, to redefine "personal injury," for purposes of health insurance coverage for eligible survivors of certain public safety employees, to include an injury of certain public safety employees resulting from a disease that is the basis for a disaster declared by the governor under Section 418.014 for all or part of the state. Makes nonsubstantive changes.

SECTION 7. Amends Subchapter D, Chapter 615, Government Code, by adding Section 615.0721, as follows:

Sec. 615.0721. PRESUMPTION OF LINE-OF-DUTY INJURY. (a) Defines "line of duty."

(b) Provides that an individual listed under Section 615.071 (Applicability) who suffers a personal injury resulting from a disease that is the basis for a disaster declared by the governor under Section 418.014 for all or part of the state is presumed to have sustained the injury in the line of duty in the individual's position as described by Section 615.071.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: upon passage or September 1, 2021.