

BILL ANALYSIS

Senate Research Center

C.S.S.B. 22
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State Affairs
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Committee Report (Substituted)

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.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 22 amends current law relating to certain claims for benefits or compensation by 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 the heading to Subchapter B, Chapter 607, Government Code, to read as follows:

SUBCHAPTER B. DISEASES OR ILLNESSES SUFFERED BY DETENTION

OFFICERS, FIREFIGHTERS, PEACE OFFICERS, AND EMERGENCY MEDICAL
TECHNICIANS

SECTION 3. Amends Section 607.051, Government Code, by amending Subdivision (1) and adding Subdivision (1-a) to define "detention officer" and to make a nonsubstantive change.

SECTION 4. Amends Sections 607.052(a), (b), (e), and (g), Government Code, as follows:

(a) Provides that notwithstanding any other law, Subchapter B applies only to a detention officer, firefighter, peace officer, or emergency medical technician, rather than a firefighter, peace officer, or emergency medical technician, who, among other conditions, is employed for five or more years as a firefighter, peace officer, or emergency medical technician, except for purposes of the presumption under Section 607.0545. Makes conforming changes.

(b), (e), and (g) Makes conforming changes to these subsections.

SECTION 5. 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 detention officer, 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 or other law 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 detention officer, firefighter, peace officer, or emergency medical technician, if the detention officer, firefighter, peace officer, or emergency medical technician:

(1) is employed in the area designated in the disaster declaration; and

(2) contracts the disease during the disaster declared by the governor.

SECTION 6. Amends 607.057, Government Code, to include a detention officer among the actors to whom a presumption established under Subchapter B applies in a determination of whether the disability or death resulted from a disease or illness contracted in the course and scope of employment for purposes of benefits or compensation provided under another employee benefit, law, or plan, including a pension plan.

SECTION 7. Amends Section 607.058, Government Code as follows:

Sec. 607.058. PRESUMPTION REBUTTABLE. (a) Provides that a presumption under certain sections, including Section 607.0545, may be rebutted through a showing by a preponderance of the evidence that a risk factor, accident, hazard, or other cause not associated with the individual's service as a detention officer, firefighter, peace officer, or emergency medical technician, rather than a firefighter, peace officer, or emergency medical technician, was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred.

(b) and (c) Makes conforming changes to these subsections.

SECTION 8. (a) Makes application of this Act prospective.

(b) Authorizes a person who contracted SARS-CoV-2, coronavirus disease 2019 (COVID-19), on or after the date the governor declared a disaster under Chapter 418, Government Code, relating to SARS-CoV-2, coronavirus disease 2019 (COVID-19), but before the effective date of this Act, notwithstanding any other law, to file a claim for benefits, compensation, or assistance related to SARS-CoV-2, coronavirus disease 2019 (COVID-19) on or after the effective date of this Act, regardless of whether that claim is otherwise considered untimely and provides that the changes in law made by this Act apply to that claim.

(c) Authorizes a person who filed a claim for benefits, compensation, or assistance related to SARS-CoV-2, coronavirus disease 2019 (COVID-19), on or after the date the governor declared a disaster under Chapter 418, Government Code, relating to SARS-CoV-2, coronavirus disease 2019 (COVID-19), but before the effective date of this Act, notwithstanding Subsection (a) of this section, and whose claim was subsequently denied, to file another claim on or after the effective date of this Act, and provides that the changes in law made by this Act apply to that claim.

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