**South Carolina General Assembly**

118th Session, 2009-2010

**A126, R125, S362**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Alexander

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Introduced in the Senate on February 3, 2009

Introduced in the House on April 29, 2009

Last Amended on February 2, 2010

Passed by the General Assembly on February 4, 2010

Became law without Governor's signature, February 25, 2010

Summary: Firefighters

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/3/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C02-03-09.docx)‑4

 2/3/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C02-03-09.docx)‑4

 2/6/2009 Senate Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis

 4/15/2009 Senate Committee report: Favorable with amendment **Judiciary**

 4/16/2009 Scrivener's error corrected

 4/22/2009 Senate Committee Amendment Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-22-09.docx)‑22

 4/23/2009 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-23-09.docx)‑17

 4/28/2009 Senate Read third time and sent to House [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-28-09.docx)‑27

 4/29/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-29-09.docx)‑10

 4/29/2009 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-29-09.docx)‑10

 1/27/2010 House Committee report: Favorable with amendment **Labor, Commerce and Industry** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C01-27-10.docx)‑3

 2/2/2010 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-02-10.docx)‑60

 2/2/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-02-10.docx)‑62

 2/3/2010 House Read third time and returned to Senate with amendments [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-03-10.docx)‑11

 2/4/2010 Senate Concurred in House amendment and enrolled [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C02-04-10.docx)‑19

 2/18/2010 Ratified R 125

 2/25/2010 Became law without Governor's signature

 3/3/2010 Effective date 02/25/10

 3/10/2010 Act No. 126

**VERSIONS OF THIS BILL**

[2/3/2009](file:///p%3A%5Cpprever%5C2009-10%5C362_20090203.docx)

[4/15/2009](file:///p%3A%5Cpprever%5C2009-10%5C362_20090415.docx)

[4/16/2009](file:///p%3A%5Cpprever%5C2009-10%5C362_20090416.docx)

[4/22/2009](file:///p%3A%5Cpprever%5C2009-10%5C362_20090422.docx)

[1/27/2010](file:///p%3A%5Cpprever%5C2009-10%5C362_20100127.docx)

[2/2/2010](file:///p%3A%5Cpprever%5C2009-10%5C362_20100202.docx)

(A126, R125, S362)

**AN ACT TO AMEND SECTION 42‑11‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS COVERED UNDER WORKERS’ COMPENSATION LAW AND THE PRESUMPTION REGARDING IMPAIRMENT OR INJURY FROM HEART DISEASE OR RESPIRATORY DISEASE, OR BOTH, SO AS TO PROVIDE THAT THE IMPAIRMENT OR INJURY IS CONSIDERED TO HAVE ARISEN OUT OF AND IN THE COURSE OF EMPLOYMENT IF THEY HAVE SUCCESSFULLY PASSED A PHYSICAL EXAM BY JULY 1, 2012, AND BEFORE AN ALLEGED INJURY, AND TO PROVIDE AN ALTERNATIVE PROCEDURE AND DEADLINE FOR SUBMISSION OF PHYSICAL EXAMINATION REPORTS WHEN A LAW ENFORCEMENT AGENCY CANNOT PRODUCE THE REPORT REQUIRED BY THIS SECTION.**

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

**Presumption of heart or respiratory** **disease**

SECTION 1. Section 42‑11‑30 of the 1976 Code, as last amended by Act 108 of 2005, is further 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 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.

 (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)(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.”

**Time effective**

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

Ratified the 18th day of February, 2010.

Became law without the signature of the Governor -- 2/25/2010.

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