

HOUSE FILE 735

BY SUNDERBRUCH, DOTZLER, CHIDO,  
JOCHUM, TAYLOR, CONNORS,  
BELL, FOEGE, THOMAS, WELTER,  
BRAUNS, COHOON, WHITEAD,  
BUKTA, SCHERRMAN, FREVERT,  
FALCK, VAN FOSSEN, BRADLEY,  
BODDICKER, GARMAN, LORD,  
TYRRELL, WEIDMAN, BARRY, RANTS,  
TEIG, ARNOLD, HAHN, and  
HUSEMAN

*3/2/99 Sponsor added - Davis*

MAR 19 1999  
STATE GOVERNMENT

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to establishing a presumption that infectious  
2 diseases are work-related for purposes of disability and death  
3 benefits under the statewide fire and police retirement  
4 system.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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*HF 735*

1 Section 1. Section 411.6, subsection 5, paragraph c, Code  
2 1999, is amended to read as follows:

3 c. Disease under this section shall mean heart disease, or  
4 any disease of the lungs or respiratory tract, or an  
5 infectious disease, and shall be presumed to have been  
6 contracted while on active duty as a result of strain or the  
7 inhalation of noxious fumes, poison, or gases. For purposes  
8 of this paragraph, "infectious disease" includes, but is not  
9 limited to, hepatitis in any form, tuberculosis, and HIV or  
10 AIDS as defined in section 141.21. However, if a person's  
11 membership in the system first commenced on or after July 1,  
12 1992, and the heart disease, infectious disease, or disease of  
13 the lungs or respiratory tract would not exist, but for a  
14 medical condition that was known to exist on the date that  
15 membership commenced, the presumption established in this  
16 paragraph shall not apply.

17 Sec. 2. Section 411.6, subsection 9, paragraph b,  
18 unnumbered paragraph 2, Code 1999, is amended to read as  
19 follows:

20 Disease under this subsection shall mean heart disease, or  
21 any disease of the lungs or respiratory tract, or an  
22 infectious disease, and shall be presumed to have been  
23 contracted while on active duty as a result of strain or the  
24 inhalation of noxious fumes, poison, or gases. For purposes  
25 of this paragraph, "infectious disease" includes, but is not  
26 limited to, hepatitis in any form, tuberculosis, and HIV or  
27 AIDS as defined in section 141.21.

28 EXPLANATION

29 This bill provides that infectious diseases contracted by a  
30 member of the statewide fire and police retirement system are  
31 presumed to be disease contracted while on active duty due to  
32 the job for purposes of establishing disability or providing a  
33 death benefit. The bill also provides that the presumption  
34 will not apply to members who joined the system after July 1,  
35 1992, and in which the infectious disease would not have

1 existed but for a medical condition that was known on the date  
2 the member joined.

3 The bill may impose a state mandate as defined in Code  
4 section 25B.3. The state mandate funding requirement in Code  
5 section 25B.2, however, does not apply to public employee  
6 retirement systems.

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