

FEB 6 2002  
STATE GOVERNMENT

HOUSE FILE 2238  
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MERTZ, and GIPP

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 cancer and  
2 infectious diseases are work-related for purposes of  
3 disability and death benefits under public retirement systems  
4 covering public safety employees.

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

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HF 2238

1 Section 1. Section 97A.6, subsection 5, paragraph c, Code  
2 2001, 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, infectious  
5 disease, or cancer, and shall be presumed to have been  
6 contracted while on active duty as a result of strain,  
7 exposure, or the inhalation of noxious fumes, poison, or  
8 gases. For purposes of this paragraph, "infectious disease"  
9 includes, but is not limited to, hepatitis in any form,  
10 tuberculosis, and HIV or AIDS as defined in section 141A.1.

11 However, if a person's membership in the system first  
12 commenced on or after July 1, 1992, and the heart disease, or  
13 disease of the lungs or respiratory tract, infectious disease,  
14 or cancer, would not exist, but for a medical condition that  
15 was known to exist on the date that membership commenced, the  
16 presumption established in this paragraph shall not apply.

17 Sec. 2. Section 97B.50A, subsection 2, paragraph c, Code  
18 2001, is amended to read as follows:

19 c. Disease under this subsection shall mean heart disease,  
20 or any disease of the lungs or respiratory tract, infectious  
21 disease, or cancer, and shall be presumed to have been  
22 contracted while on active duty as a result of strain,  
23 exposure, or the inhalation of noxious fumes, poison, or  
24 gases. For purposes of this paragraph, "infectious disease"  
25 includes, but is not limited to, hepatitis in any form,  
26 tuberculosis, and HIV or AIDS as defined in section 141A.1.

27 However, if a person's special service membership in the  
28 system first commenced on or after July 1, 2000, and the heart  
29 disease, or disease of the lungs or respiratory tract,  
30 infectious disease, or cancer, would not exist, but for a  
31 medical condition that was known to exist on the date that  
32 special service membership commenced, the presumption  
33 established in this paragraph shall not apply.

34 Sec. 3. Section 411.6, subsection 5, paragraph c, Code  
35 2001, is amended to read as follows:

1 c. Disease under this section shall mean heart disease, or  
2 any disease of the lungs or respiratory tract, infectious  
3 disease, or cancer, and shall be presumed to have been  
4 contracted while on active duty as a result of strain or the  
5 inhalation of noxious fumes, poison or gases. For purposes of  
6 this paragraph, "infectious disease" includes, but is not  
7 limited to, hepatitis in any form, tuberculosis, and HIV or  
8 AIDS as defined in section 141A.1. However, if a person's  
9 membership in the system first commenced on or after July 1,  
10 1992, and the heart disease, or disease of the lungs or  
11 respiratory tract, infectious disease, or cancer, would not  
12 exist, but for a medical condition that was known to exist on  
13 the date that membership commenced, the presumption  
14 established in this paragraph shall not apply.

15 Sec. 4. Section 411.6, subsection 9, paragraph a, Code  
16 2001, is amended to read as follows:

17 a. If, upon the receipt of evidence and proof from the  
18 chief of the police or fire department that the death of a  
19 member in service was the natural and proximate result of an  
20 injury or disease incurred in or aggravated by the actual  
21 performance of duty at some definite time and place, or while  
22 acting pursuant to order, outside of the city by which the  
23 member is regularly employed, the system decides that death  
24 was so caused in the performance of duty, there shall be paid,  
25 in lieu of the ordinary death benefit provided in subsection  
26 8, an accidental death benefit as set forth in this  
27 subsection. Disease under this subsection shall mean heart  
28 disease, or any disease of the lungs or respiratory tract,  
29 infectious disease, or cancer, and shall be presumed to have  
30 been contracted while on active duty as a result of strain or  
31 the inhalation of noxious fumes, poison, or gases. For  
32 purposes of this paragraph, "infectious disease" includes, but  
33 is not limited to, hepatitis in any form, tuberculosis, and  
34 HIV or AIDS as defined in section 141A.1.

35 EXPLANATION

1 This bill provides that infectious diseases or cancer  
2 contracted by certain members of public retirement systems in  
3 Iowa are presumed to be diseases contracted while on active  
4 duty due to the job for purposes of establishing disability or  
5 providing a death benefit. The persons to which this bill  
6 applies are members of the public safety peace officers'  
7 retirement system (PORS), members of the statewide fire and  
8 police retirement system (MFRSI), and special service members  
9 of the Iowa public employees' retirement system (IPERS). The  
10 bill also provides that the presumption will not apply to  
11 members who joined the system on or after July 1, 1992, for  
12 members of PORS and MFRSI, or on or after July 1, 2000, for  
13 special service members of IPERS, and in which the infectious  
14 disease or cancer would not have existed but for a medical  
15 condition that was known on the date the member joined.

16 The bill may include a state mandate as defined in Code  
17 section 25B.3. The state mandate funding requirement in Code  
18 section 25B.2, however, does not apply to public employee  
19 retirement systems.

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