

HOUSE FILE 273
BY MASCHER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning eligibility requirements under the statewide
2 fire and police retirement system for payment of a line of
3 duty death benefit for a death resulting from a heart attack
4 or stroke.

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

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HF 273

1 Section 1. Section 411.6, subsection 15, paragraph b,
2 subparagraph (1), Code 2005, is amended to read as follows:

3 (1) (a) The death resulted from stress, strain,
4 occupational illness, or a chronic, progressive, or congenital
5 illness, including, but not limited to, a disease of the
6 heart, lungs, or respiratory system, unless a traumatic
7 personal injury was a substantial contributing factor to the
8 member's death.

9 (b) However, if the death was the direct and proximate
10 result of a heart attack or stroke, the member shall be
11 presumed to have died as a result of a traumatic personal
12 injury if the member engaged in a nonroutine stressful or
13 strenuous physical activity within the scope of the member's
14 duties and the death resulted while engaging in that activity,
15 while still on duty after engaging in that activity, or not
16 later than twenty-four hours after engaging in that activity,
17 and the presumption is not overcome by competent medical
18 evidence to the contrary. For purposes of this subparagraph
19 subdivision, "nonroutine stressful or strenuous physical
20 activity" includes, but is not limited to, nonroutine
21 stressful or strenuous physical law enforcement, fire
22 suppression, rescue, hazardous material response, emergency
23 medical services, prison security, disaster relief, emergency
24 response, and training exercise activities. "Nonroutine
25 stressful or strenuous physical activity" does not include
26 activities of a clerical, administrative, or nonmanual nature.

27 EXPLANATION

28 This bill concerns eligibility for state payment of a line
29 of duty death benefit to members of the statewide fire and
30 police retirement system.

31 The bill provides that if the death was the result of a
32 heart attack or stroke, the death will be presumed to have
33 been as a result of a traumatic personal injury and
34 compensable as a death in the line of duty under the
35 retirement system if the member had engaged in nonroutine

1 stressful or strenuous activity and the death occurred while
2 engaging in that activity, while still on duty after that
3 activity, or within 24 hours after the activity, and the
4 presumption cannot be overcome by medical evidence.

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