

2020 Regular Session

HOUSE BILL NO. 235

BY REPRESENTATIVE BRASS

LAW ENFORCE/OFFICERS: Provides financial security for surviving spouses and children of law enforcement officers whose death is caused by heart attack or stroke

1 AN ACT

2 To amend and reenact R.S. 33:2581 and 40:1665.1(A), (C), and (D), relative to health  
3 benefits of law enforcement officers; to provide relative to death benefits resulting  
4 from heart attack or stroke; to provide relative to infirmity of heart or lungs  
5 developed as a result of employment; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:2581 is hereby amended and reenacted to read as follows:

8 §2581. Development of heart and lung disease during employment in classified fire  
9 and law enforcement service; occupational disease

10 Any disease or infirmity of the heart or lungs which develops during a period  
11 of employment in the classified fire and law enforcement service in the state of  
12 Louisiana shall be classified as a disease or infirmity connected with employment.

13 The employee affected, or his survivors, shall be entitled to all rights and benefits as  
14 granted by the laws of the state of Louisiana to which one suffering an occupational  
15 disease is entitled as service connected in the line of duty, regardless of whether the  
16 fireman or law enforcement officer is on duty at the time he is stricken with the  
17 disease or infirmity. Such disease or infirmity shall be presumed, prima facie, to  
18 have developed during employment and shall be presumed, prima facie, to have been  
19 caused by or to have resulted from the nature of the work performed whenever same  
20 is manifested at any time after the first five years of employment.

21 \* \* \*

1 Section 2. R.S. 40:1665.1(A), (C), and (D) are hereby amended and reenacted to  
2 read as follows:

3 §1665.1. Financial security for surviving spouses and children of firemen and law  
4 enforcement officers; death by heart attack or stroke; presumption

5 A. In addition to the qualifying events enumerated in R.S. 40:1665 and  
6 1665.2, a fireman or law enforcement officer, as defined in R.S. 40:1665.2(B) whose  
7 death is the direct and proximate result of a heart attack or a stroke shall be presumed  
8 to have died as the direct and proximate result of an injury sustained in the  
9 performance of his official duties for the purposes of R.S. 40:1665 and 1665.2 if:

10 (1) While on duty, the fireman or law enforcement officer engaged in an  
11 activity which was stressful or physical including but not limited to fire suppression,  
12 rescue, hazardous material response, emergency medical services, disaster relief, or  
13 other emergency response activity, or participated in a training exercise that involved  
14 stressful or strenuous physical activity.

15 (2) The fireman or law enforcement officer died as a result of a heart attack  
16 or stroke suffered while engaging or participating, or on duty after engaging or  
17 participating, in the activities or exercises described in Paragraph (1) of this  
18 Subsection or no later than twenty-four hours after engaging or participating in the  
19 activities or exercises described in Paragraph (1) of this Subsection.

20 \* \* \*

21 C. The surviving spouse and children of a fireman or law enforcement  
22 officer whose death meets the requirements under Subsection A of this Section shall  
23 be eligible for the payment of benefits enumerated in R.S. 40:1665 and 1665.2.

24 D. Payment of benefits pursuant to this Section shall be made according to  
25 the provisions of R.S. 40:1665 and 1665.2 and shall be subject to review by the Law  
26 Enforcement Officers and Firemen's Survivor Benefit Review Board.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 235 Original

2020 Regular Session

Brass

**Abstract:** Provides benefits related to infirmity of heart or lungs developed as a result of employment and provides for financial security upon death by heart attack or stroke for surviving spouses and children of law enforcement officers.

Present law provides that any disease or infirmity of the heart or lungs which develops during a period of employment in the classified fire service in this state shall be classified as a disease or infirmity connected with employment.

Proposed law retains present law and adds law enforcement service.

Present law provides an irrebuttable presumption that a fireman whose death is the direct and proximate result of a heart attack or a stroke died as the direct and proximate result of an injury sustained in the performance of his official duties, thereby making his survivors eligible for payment pursuant to present law.

Present law also provides that if, while on duty, the fireman engages in a stressful or physical activity, including emergency response activity, or participates in a stressful or strenuous physical training exercise and the heart attack or stroke occurs while he is engaged in the activity, while he is on duty after engaging in the activity, or no later than 24 hours after the activity, and whose death is the direct and proximate result of a heart attack or stroke, then present law provides a presumption that the fireman died as the direct and proximate result of an injury sustained in the performance of his official duties for certain purposes in present law.

Proposed law retains present law and adds law enforcement officers.

(Amends R.S. 33:2581 and 40:1665.1(A), (C), and (D))