

ACT No. 246

Regular Session, 2014

HOUSE BILL NO. 568

BY REPRESENTATIVE ST. GERMAIN

1 AN ACT

2 To enact R.S. 33:1981.1 and 2201(B)(introductory paragraph) and (22), relative to financial
3 benefits for surviving spouses and children of fire operation personnel; to provide
4 for financial security for surviving spouses and children of enforcement and
5 emergency service personnel of the office of the state fire marshal; to provide for
6 financial security for surviving spouses and children of firemen upon death by heart
7 attack or stroke; to create a presumption; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:1981.1 and 2201(B)(introductory paragraph) and (22) are hereby
10 enacted to read as follows:

11 §1981.1. Financial security for surviving spouses and children of firemen; death by
12 heart attack or stroke; presumption

13 A. In addition to the qualifying events enumerated in R.S. 33:1981, a
14 fireman whose death is the direct and proximate result of a heart attack or a stroke
15 shall be presumed to have died as the direct and proximate result of an injury
16 sustained in the performance of his official duties for the purposes of R.S. 33:1981
17 if:

18 (1) While on duty, the fireman engaged in an activity which was stressful or
19 physical including but not limited to fire suppression, rescue, hazardous material
20 response, emergency medical services, disaster relief, or other emergency response
21 activity, or participated in a training exercise that involved stressful or strenuous
22 physical activity.

23 (2) The fireman died as a result of a heart attack or stroke suffered while
24 engaging or participating, or on duty after engaging or participating, in the activities
25 or exercises described in Paragraph (1) of this Subsection or no later than twenty-

1 four hours after engaging or participating in the activities or exercises described in
2 Paragraph (1) of this Subsection.

3 B. The presumption created by this Section shall be irrebuttable despite
4 medical evidence to the contrary.

5 C. The surviving spouse and children of a fireman whose death meets the
6 requirements under Subsection A of this Section shall be eligible for the payment of
7 benefits enumerated in R.S. 33:1981.

8 D. Payment of benefits pursuant to this Section shall be made according to
9 the provisions of R.S. 33:1981 and shall be subject to review by the Law
10 Enforcement Officers and Firemen's Survivor Benefit Review Board.

11 E. Payments pursuant to this Section shall be made by the state risk manager
12 from the Self-Insurance Fund provided for in R.S. 39:1533.

13 * * *

14 §2201. Financial security for surviving spouses and children of law enforcement
15 officers in certain cases

16 * * *

17 B. Law enforcement officers, within the meaning of this Section, shall
18 include the following:

19 * * *

20 (22) All enforcement and emergency services personnel of the office of the
21 state fire marshal.

22 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____