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**PRELIMINARY DRAFT**  
**No. 3492**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2009 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 5-10-15.

**Synopsis:** Line of duty disability from Parkinson's disease. Creates a presumption that a police officer, firefighter, or emergency medical services provider who is diagnosed with Parkinson's disease after being exposed to certain toxins or trauma has incurred a line-of-duty disability. (Current law provides that certain cancers or heart or lung disease is presumed to have been incurred in the line of duty.)

**Effective:** July 1, 2009.



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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-10-15-2, AS ADDED BY P.L.62-2006,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 2. As used in this chapter, "at risk for occupational  
4 exposure" means that an individual incurs risk in performing the basic  
5 duties of the individual's employment, including:

6 (1) providing emergency medical treatment in a nonhealth care  
7 setting where there is a potential for contact with;

8 (2) working at the scene of an accident, a fire, or another rescue  
9 or public safety operation, or working in an emergency rescue  
10 vehicle or a public safety vehicle, during which the individual has  
11 contact with;

12 (3) engaging in the pursuit, apprehension, and arrest of law  
13 violators, during which the individual may be exposed to; or

14 (4) maintaining custody and physical restraint of prisoners or  
15 inmates of a prison, a jail, or another criminal detention facility  
16 during which the individual may be exposed to;

17 a known carcinogen, or a substance or condition that adversely affects  
18 an individual's cardiovascular, **neurological**, or respiratory system.

19 SECTION 2. IC 5-10-15-5.5 IS ADDED TO THE INDIANA CODE  
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
21 1, 2009]: **Sec. 5.5. As used in this chapter, "exposure related  
22 Parkinson's disease" refers to Parkinson's disease that is caused by  
23 a toxin or head trauma:**

24 **(1) known to increase the risk for the development of  
25 Parkinson's disease; and**

26 **(2) to which an individual is at risk for occupational exposure.**

27 SECTION 3. IC 5-10-15-8, AS ADDED BY P.L.62-2006,  
28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2009]: Sec. 8. As used in this chapter, "substance or condition  
30 that adversely affects an individual's cardiovascular, **neurological**, or  
31 respiratory system" refers to a substance or condition the exposure to



1 which is recognized by the National Institute for Occupational Safety  
 2 and Health as creating a high risk for the development of heart, ~~or~~ lung,  
 3 **or Parkinson's** disease.

4 SECTION 4. IC 5-10-15-9, AS ADDED BY P.L.62-2006,  
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2009]: Sec. 9. (a) An employee or former employee who:  
 7 (1) is diagnosed with an exposure related cancer, ~~or~~ exposure  
 8 related heart or lung disease, **or exposure related Parkinson's**  
 9 **disease** that:  
 10 (A) requires medical treatment; or  
 11 (B) results in total or partial disability; and  
 12 (2) at the time of the diagnosis:  
 13 (A) is actively employed; or  
 14 (B) has terminated employment not more than sixty (60)  
 15 months earlier;  
 16 is presumed to have a disability incurred in the line of duty.  
 17 (b) The presumption described in subsection (a) may be rebutted by  
 18 competent evidence.  
 19 (c) A meeting or hearing held to rebut the presumption described in  
 20 subsection (a) may be held as an executive session under  
 21 IC 5-14-1.5-6.1(b)(1).

