

House Bill 1297 (COMMITTEE SUBSTITUTE)

By: Representatives Thompson of the 69th, Post 1, Dooley of the 33rd, Post 3, and Warren of the 99th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to
2 definitions relative to the Georgia State Indemnification Fund, so as to provide a short title;
3 to change the definition of a certain term; to provide for a rebuttable presumption that certain
4 conditions contracted by firefighters were contracted in the line of duty; to provide for
5 exceptions; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Stevenson-Gibson Act."

9 **SECTION 2.**

10 Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions
11 relative to the Georgia State Indemnification Fund, is amended by striking in its entirety
12 paragraph (7) and inserting in lieu thereof the following:

13 "(7) 'Permanent disability' means disability due to:

14 (A) Loss of both eyes or blindness in both eyes with only light perception;

15 (B) Loss or loss of use of both hands;

16 (C) Loss or loss of use of both legs;

17 (D) Loss of a lower extremity or residuals of organic disease or injury which so affect
18 the functions of balance or propulsion as to preclude locomotion without resort to a
19 wheelchair; ~~or~~

20 (E) Organic brain damage resulting from direct physical trauma incurred after January
21 1, 1973, which so affects the mental capacity as to preclude ability to function
22 productively in any employment; or

23 (F) With respect to a firefighter who has been engaged either as a volunteer or an
24 employee by a governmental entity for an aggregate of at least five years, the inability
25 to perform normal duties as a firefighter because of pulmonary injury, lung disease, or

1 hepatitis. For purposes of this paragraph, there shall be a rebuttable presumption that
2 any of the enumerated conditions were contracted in the line of duty; provided,
3 however, that if the disabled firefighter used any tobacco product within five years of
4 the onset of the disability or if the condition existed at the time he or she first became
5 employed, there shall be no such rebuttable presumption."

6 **SECTION 3.**

7 All laws and parts of laws in conflict with this Act are repealed.