

GOVERNMENT CODE

TITLE 6. PUBLIC OFFICERS AND EMPLOYEES

SUBTITLE A. PROVISIONS GENERALLY APPLICABLE TO PUBLIC OFFICERS AND
EMPLOYEES

CHAPTER 607. BENEFITS RELATING TO CERTAIN DISEASES AND ILLNESSES

SUBCHAPTER A. CONTAGIOUS DISEASES

Sec. 607.001. DEFINITION. In this chapter, "public safety employee" means a peace officer, fire fighter, detention officer, county jailer, or emergency medical services employee of this state or a political subdivision of this state.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2005, 79th Leg., Ch. 986 (H.B. 1928), Sec. 1, eff. September 1, 2005.

Sec. 607.002. REIMBURSEMENT. A public safety employee who is exposed to a contagious disease is entitled to reimbursement from the employing governmental entity for reasonable medical expenses incurred in treatment for the prevention of the disease if:

(1) the disease is not an "ordinary disease of life" as that term is used in the context of a workers' compensation claim;

(2) the exposure to the disease occurs during the course of the employment; and

(3) the employee requires preventative medical treatment because of exposure to the disease.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 607.003. PHYSICIAN OF CHOICE. A public safety employee who is exposed to a disease described by Section 607.002 is entitled to be treated for the prevention of that disease by the physician of the employee's choice.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 607.004. PREVENTATIVE IMMUNIZATIONS AND VACCINATIONS.

(a) A certified fire fighter, peace officer, or other governmental employee who operates an ambulance or who responds to emergency medical calls is entitled to preventative immunization for any disease to which the fire fighter, peace officer, or other governmental employee may be exposed in performing official duties and for which immunization is possible.

(b) The employee and any member of the employee's immediate family are entitled to vaccination for a contagious disease to which the employee is exposed during the course of employment.

(c) The employing governmental entity may satisfy the requirements of this section by:

(1) providing the immunization or vaccination without charge; or

(2) reimbursing the employee for any necessary and reasonable expenses incurred by the employee for the immunization or vaccination.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 993 (S.B. [1582](#)), Sec. 1, eff. September 1, 2019.

SUBCHAPTER B. DISEASES OR ILLNESSES SUFFERED BY DETENTION OFFICERS, CUSTODIAL OFFICERS, FIREFIGHTERS, PEACE OFFICERS, AND EMERGENCY MEDICAL TECHNICIANS

Sec. 607.051. DEFINITIONS. In this subchapter:

(1) "Custodial officer" means a person who is employed by the Board of Pardons and Paroles or the Texas Department of Criminal Justice as a parole officer or caseworker or who is employed by the correctional institutions division of the Texas Department of Criminal Justice and certified by the department as having a normal job assignment that requires frequent or infrequent regularly planned contact with, and in close proximity to, inmates or defendants of the correctional institutions division without the protection of bars, doors, security screens, or similar devices and includes assignments normally involving supervision or the potential for supervision of inmates in inmate housing areas,

educational or recreational facilities, industrial shops, kitchens, laundries, medical areas, agricultural shops or fields, or in other areas on or away from property of the department.

(1-a) "Detention officer" means an individual employed by a state agency or political subdivision of the state to ensure the safekeeping of prisoners and the security of a municipal, county, or state penal institution in this state.

(1-b) "Disability" means partial or total disability.

(2) "Emergency medical technician" means an individual who is certified as an emergency medical technician by the Department of State Health Services as provided by Chapter 773, Health and Safety Code, and who is employed by a political subdivision.

(3) "Firefighter" means:

(A) an individual who is defined as fire protection personnel under Section 419.021; or

(B) an individual who is a volunteer firefighter certified by the Texas Commission on Fire Protection or the State Firemen's and Fire Marshals' Association of Texas.

Text of subdivision effective until January 01, 2025

(4) "Peace officer" means an individual elected, appointed, or employed to serve as a peace officer for a governmental entity under Article 2.12, Code of Criminal Procedure, or other law.

Text of subdivision effective on January 01, 2025

(4) "Peace officer" means an individual elected, appointed, or employed to serve as a peace officer for a governmental entity under Article 2A.001, Code of Criminal Procedure, or other law.

Added by Acts 2005, 79th Leg., Ch. 695 (S.B. 310), Sec. 3, eff. September 1, 2005.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 993 (S.B. 1582), Sec. 3, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 505 (S.B. 22), Sec. 2, eff. June 14, 2021.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.103, eff. January 1, 2025.

Sec. 607.052. APPLICABILITY. (a) Notwithstanding any other law, this subchapter applies only to a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician who:

(1) on becoming employed or during employment as a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician, received a physical examination that failed to reveal evidence of the illness or disease for which benefits or compensation are sought using a presumption established by this subchapter;

(2) is employed for five or more years as a firefighter, peace officer, or emergency medical technician, except for the presumption under Section 607.0545; and

(3) seeks benefits or compensation for a disease or illness covered by this subchapter that is discovered during employment as a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician.

(b) A presumption under this subchapter does not apply:

(1) to a determination of a survivor's eligibility for benefits under Chapter 615;

(2) in a cause of action brought in a state or federal court except for judicial review of a proceeding in which there has been a grant or denial of employment-related benefits or compensation;

(3) to a determination regarding benefits or compensation under a life or disability insurance policy purchased by or on behalf of the detention officer, custodial officer, firefighter, peace officer, or emergency medical technician that provides coverage in addition to any benefits or compensation required by law; or

(4) if the disease or illness for which benefits or compensation is sought is known to be caused by the use of tobacco and:

(A) the firefighter, peace officer, or emergency

medical technician is or has been a user of tobacco; or

(B) the firefighter's, peace officer's, or emergency medical technician's spouse has, during the marriage, been a user of tobacco that is consumed through smoking.

(c) This subchapter does not create a cause of action.

(d) This subchapter does not enlarge or establish a right to any benefit or compensation or eligibility for any benefit or compensation.

(e) A detention officer, custodial officer, firefighter, peace officer, or emergency medical technician who uses a presumption established under this subchapter is entitled only to the benefits or compensation to which the detention officer, custodial officer, firefighter, peace officer, or emergency medical technician would otherwise be entitled to receive at the time the claim for benefits or compensation is filed.

(f) For purposes of this subchapter, an individual described by Section [607.051\(3\)\(B\)](#) is considered to have been employed or compensated while the individual actively served as a volunteer firefighter. An individual who actively serves as a volunteer firefighter is one who participates in a minimum of 40 percent of the drills conducted by the individual's department and 25 percent of the fire or other emergency calls received by the department during the time that the volunteer firefighter is on call.

(g) This subchapter applies to a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician who provides services as an employee of an entity created by an interlocal agreement.

(h) Subsection (b)(4) only prevents the application of the presumption authorized by this subchapter and does not affect the right of a firefighter, peace officer, or emergency medical technician to provide proof, without the use of that presumption, that an injury or illness occurred during the course and scope of employment.

Added by Acts 2005, 79th Leg., Ch. 695 (S.B. [310](#)), Sec. 3, eff. September 1, 2005.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 993 (S.B. 1582), Sec. 4, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 505 (S.B. 22), Sec. 3, eff. June 14, 2021.

Sec. 607.053. IMMUNIZATION; SMALLPOX. (a) A firefighter, peace officer, or emergency medical technician is presumed to have suffered a disability or death during the course and scope of employment if the firefighter, peace officer, or emergency medical technician:

(1) received preventative immunization against smallpox, or another disease to which the firefighter, peace officer, or emergency medical technician may be exposed during the course and scope of employment and for which immunization is possible; and

(2) suffered death or total or partial disability as a result of the immunization.

(b) An immunization described by this section is considered preventative whether the immunization occurs before or after exposure to the disease for which the immunization is prescribed.

(c) A presumption established under Subsection (a) may not be rebutted by evidence that the immunization was:

(1) not required by the employer;

(2) not required by law; or

(3) received voluntarily or with the consent of the firefighter, peace officer, or emergency medical technician.

(d) A firefighter, peace officer, or emergency medical technician who suffers from smallpox that results in death or total or partial disability is presumed to have contracted the disease during the course and scope of employment as a firefighter, peace officer, or emergency medical technician.

Added by Acts 2005, 79th Leg., Ch. 695 (S.B. 310), Sec. 3, eff. September 1, 2005.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 993 (S.B. 1582), Sec. 5, eff. September 1, 2019.

Sec. 607.054. TUBERCULOSIS OR OTHER RESPIRATORY ILLNESS.

(a) A firefighter, peace officer, or emergency medical technician who suffers from tuberculosis, or any other disease or illness of the lungs or respiratory tract that has a statistically positive correlation with service as a firefighter, peace officer, or emergency medical technician, that results in death or total or partial disability is presumed to have contracted the disease or illness during the course and scope of employment as a firefighter, peace officer, or emergency medical technician.

(b) This section does not apply to a claim that a firefighter, peace officer, or emergency medical technician suffers from severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19).

Added by Acts 2005, 79th Leg., Ch. 695 (S.B. 310), Sec. 3, eff. September 1, 2005.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 993 (S.B. 1582), Sec. 6, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 505 (S.B. 22), Sec. 4, eff. June 14, 2021.

Sec. 607.055. CANCER. (a) A firefighter or emergency medical technician who suffers from cancer resulting in death or total or partial disability is presumed to have developed the cancer during the course and scope of employment as a firefighter or emergency medical technician if:

(1) the firefighter or emergency medical technician:

(A) regularly responded on the scene to calls involving fires or fire fighting; or

(B) regularly responded to an event involving the documented release of radiation or a known or suspected carcinogen while the person was employed as a firefighter or emergency medical technician; and

(2) the cancer is described by Subsection (b).

(b) This section applies only to:

(1) cancer that originates at the stomach, colon, rectum, skin, prostate, testis, or brain;

- (2) non-Hodgkin's lymphoma;
- (3) multiple myeloma;
- (4) malignant melanoma; and
- (5) renal cell carcinoma.

Added by Acts 2005, 79th Leg., Ch. 695 (S.B. 310), Sec. 3, eff. September 1, 2005.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 701 (S.B. 2551), Sec. 1, eff. June 10, 2019.

Sec. 607.056. ACUTE MYOCARDIAL INFARCTION OR STROKE.

(a) A firefighter, peace officer, or emergency medical technician who suffers an acute myocardial infarction or stroke resulting in disability or death is presumed to have suffered the disability or death during the course and scope of employment as a firefighter, peace officer, or emergency medical technician if:

(1) while on duty, the firefighter, peace officer, or emergency medical technician:

(A) was engaged in a situation that involved nonroutine stressful or strenuous physical activity involving fire suppression, rescue, hazardous material response, emergency medical services, or other emergency response activity; or

(B) participated in a training exercise that involved nonroutine stressful or strenuous physical activity; and

(2) the acute myocardial infarction or stroke occurred while the firefighter, peace officer, or emergency medical technician was engaging in the activity described under Subdivision (1).

(b) For purposes of this section, "nonroutine stressful or strenuous physical activity" does not include clerical, administrative, or nonmanual activities.

Added by Acts 2005, 79th Leg., Ch. 695 (S.B. 310), Sec. 3, eff. September 1, 2005.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 993 (S.B. 1582), Sec. 7, eff. September 1, 2019.

Sec. 607.057. EFFECT OF PRESUMPTION. Except as provided by Section [607.052\(b\)](#), a presumption established under this subchapter applies to a determination of whether a detention officer's, custodial officer's, firefighter's, peace officer's, or emergency medical technician's disability or death resulted from a disease or illness contracted in the course and scope of employment for purposes of benefits or compensation provided under another employee benefit, law, or plan, including a pension plan.

Added by Acts 2005, 79th Leg., Ch. 695 (S.B. [310](#)), Sec. 3, eff. September 1, 2005.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 993 (S.B. [1582](#)), Sec. 8, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 505 (S.B. [22](#)), Sec. 6, eff. June 14, 2021.

Sec. 607.058. PRESUMPTION REBUTTABLE. (a) A presumption under Section [607.053](#), [607.054](#), [607.0545](#), [607.055](#), or [607.056](#) may be rebutted through a showing by a preponderance of the evidence that a risk factor, accident, hazard, or other cause not associated with the individual's service as a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred.

(b) A rebuttal offered under this section must include a statement by the person offering the rebuttal that describes, in detail, the evidence that the person reviewed before making the determination that a cause not associated with the individual's service as a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred.

(c) In addressing an argument based on a rebuttal offered under this section, an administrative law judge shall make findings of fact and conclusions of law that consider whether a qualified expert, relying on evidence-based medicine, stated the opinion

that, based on reasonable medical probability, an identified risk factor, accident, hazard, or other cause not associated with the individual's service as a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred.

Added by Acts 2005, 79th Leg., Ch. 695 (S.B. 310), Sec. 3, eff. September 1, 2005.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 224 (H.B. 1388), Sec. 1, eff. May 29, 2015.

Acts 2019, 86th Leg., R.S., Ch. 701 (S.B. 2551), Sec. 2, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 993 (S.B. 1582), Sec. 8, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 505 (S.B. 22), Sec. 7, eff. June 14, 2021.

Sec. 607.059. PROHIBITED PAYMENT. No payment shall be made to the subsequent injury fund under Section 403.007, Labor Code, for any death resulting from a disease or illness presumed to have been contracted in the course and scope of employment under this subchapter.

Added by Acts 2005, 79th Leg., Ch. 695 (S.B. 310), Sec. 3, eff. September 1, 2005.

SUBCHAPTER C. OTHER DISEASES OR ILLNESSES SUFFERED BY FIREFIGHTERS AND EMERGENCY MEDICAL TECHNICIANS

Sec. 607.101. DEFINITIONS. In this subchapter:

(1) "Emergency medical technician" means an individual who is certified as an emergency medical technician by the Department of State Health Services as provided by Chapter 773, Health and Safety Code, and who is a full-time employee of a political subdivision.

(2) "Firefighter" means an individual who is defined

as fire protection personnel under Section [419.021](#) and is a full-time employee of a political subdivision.

Added by Acts 2009, 81st Leg., R.S., Ch. 1049 (H.B. [4560](#)), Sec. 1, eff. September 1, 2009.

Sec. 607.102. NOTIFICATION. An emergency response employee or volunteer, as defined by Section [81.003](#), Health and Safety Code, who is exposed to methicillin-resistant *Staphylococcus aureus* or a disease caused by a select agent or toxin identified or listed under 42 C.F.R. Section 73.3 is entitled to receive notification of the exposure in the manner prescribed by Section [81.048](#), Health and Safety Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 1049 (H.B. [4560](#)), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1278 (S.B. [1574](#)), Sec. 2, eff. September 1, 2015.