S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. CYMBROWITZ, CUSICK, N. RIVERA -- Multi-Sponsored by -- M. of A. V. LOPEZ, LUPARDO, MILLMAN, PHEFFER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to certain impairments of health presumed incurred in the performance of duty

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general municipal law is amended by adding a new section 207-r to read as follows:

S 207-R. POLICE OFFICERS; PRESUMPTION IN CERTAIN DISEASES. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, AND FOR THE PURPOSES OF THIS CHAPTER, ANY CONDITION OF IMPAIRMENT OF HEALTH CAUSED BY (1) DISEASES OF THE LUNG, OR (2) ANY CONDITION OF CANCER AFFECTING THE LYMPHATIC, DIGESTIVE, HEMATOLOGICAL, URINARY, NEUROLOGICAL, BREAST, REPRODUCTIVE OR PROSTATE SYSTEMS, OR (3) MELANOMA RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO A UNIFORMED MEMBER OF A PAID POLICE DEPARTMENT IN A CITY WITH A POPULATION OF ONE MILLION OR MORE WHERE SUCH MEMBER SUCCESSFULLY PASSED A PHYSICAL EXAMINATION ON ENTRY INTO SUCH SERVICE OR SUBSEQUENT THERETO, WHICH EXAMINATION FAILED TO REVEAL ANY EVIDENCE OF SUCH CONDITIONS, SHALL BE PRESUMPTIVE EVIDENCE THAT IT WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY, UNLESS THE CONTRARY BE PROVEN BY COMPETENT EVIDENCE.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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