

HEART PRESUMPTION

§ 363-a. Firemen and policemen; certain disabilities

1. Notwithstanding any provision of this chapter or of any general, special or local law to the contrary, any condition of impairment of health caused by diseases of the heart, resulting in disability or death to a fireman shall be presumptive evidence that it was incurred in the performance and discharge of duty and the natural and proximate result of an accident, unless the contrary be proved by competent evidence.
2. Notwithstanding any provision of this chapter or of any general, special or local law to the contrary, any condition of impairment of health caused by diseases of the heart, resulting in disability or death to a policeman, presently employed, and who shall have sustained such disability while so employed, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proved by competent evidence.
3. As used in this section, the term “fireman” and “policeman” means any member who is performing police or fire service, as the phrase police or fire service is defined in paragraphs a, b, c, d, g, and h of subdivision eleven of section three hundred two of this article, and who, prior to entry into service as a fireman or policeman, successfully passed a physical examination which failed to disclose evidence of any disease or other impairment of the heart.
4. The provisions of this section shall remain in full force and effect to and including August thirty-first, nineteen hundred seventy-six.