

1 HB5
2 143289-2
3 By Representative Jones
4 RFD: Ways and Means General Fund
5 First Read: 07-FEB-12
6 PFD: 09/15/2011

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ENROLLED, An Act,

To provide death and disability benefits due to certain occupational diseases for firefighters employed by the state; and to provide that the state must prove by a preponderance of the evidence that the condition was caused by some means other than the occupation in order to disqualify the firefighter from benefits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this section, the following terms shall have the following meanings:

(1) BENEFIT. Any monetary allowance payable by the state for a firefighter on account of his or her disability or to his or her dependents on account of his or her death, irrespective of whether the same is payable under a pension law of the state or under some other law of the state.

(2) DISABILITY. Disability to perform duties as a firefighter.

(3) FIREFIGHTER. A person employed as a firefighter by the state.

(4) FIREFIGHTER'S OCCUPATIONAL DISEASE. Any condition or impairment of health caused by any of the following:

- a. Hypertension.
- b. Heart disease.

1 c. Respiratory disease.

2 d. Cancer which manifests itself in a firefighter
3 during the period in which the firefighter is in the service
4 of the state, provided the firefighter demonstrates that he or
5 she, while in the employ of the state, was exposed to a known
6 carcinogen which is reasonably linked to the disabling cancer,
7 and the cancer shall be presumed to arise out of and in the
8 course of the firefighter's employment unless the state
9 demonstrates by a preponderance of the evidence that the
10 cancer was caused by some other means.

11 e. HIV which manifests itself in a firefighter
12 during the period in which the firefighter is in the service
13 of the state, provided the firefighter demonstrates by
14 sufficient evidence that he or she was exposed to HIV while in
15 the line and scope of his or her employment with the state.

16 f. Hepatitis which manifests itself in a firefighter
17 during the period in which the firefighter is in the service
18 of the state, provided the firefighter demonstrates that he or
19 she was exposed to hepatitis while in the line and scope of
20 his or her employment with the state.

21 Section 2. (a) This act shall apply to firefighters
22 who, upon entering the service of the state as firefighters,
23 have successfully passed a physical examination which failed
24 to reveal any evidence of a firefighter's occupational disease
25 and who have completed at least three years' service as

1 firefighters. If a physical examination was not required at
2 the time of entry into service, a firefighter who completes an
3 exam by January 1, 2013, shall be deemed eligible for benefits
4 under this section.

5 (b) If a firefighter who qualifies for benefits
6 under Chapter 29A of Title 36, Code of Alabama 1975, or any
7 other law, suffers disability as a result of a firefighter's
8 occupational disease, his or her disability shall be
9 compensable the same as any service-connected disability under
10 any law which provides benefits for firefighters of the state
11 injured in the line of duty. If a firefighter who qualifies
12 for benefits under this section dies as the result of a
13 firefighter's occupational disease, his or her death shall be
14 compensable to the same extent as the death of a firefighter
15 killed in the line of duty, and the firefighter shall be
16 considered to have been killed in the line of duty for
17 purposes of Sections 36-30-1 to 36-30-7, inclusive, Code of
18 Alabama 1975.

19 (d) In the case of an occupational disease as
20 defined in this act, the state must prove by a preponderance
21 of the evidence that the condition was caused by some means
22 other than the occupation to disqualify the firefighter from
23 benefits.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 14-MAR-12.

Greg Pappas
Clerk

Senate	10-MAY-12	Amended and Passed
House	16-MAY-12	Passed, as amended by Conference Com- mittee Report
Senate	16-MAY-12	Passed, as amended by Conference Com- mittee Report