

HOUSE BILL NO. 84

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 3/6/19

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the presumption of compensability for a disability resulting from
2 certain diseases for firefighters, emergency medical technicians, paramedics, and peace
3 officers."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 23.30.121(b) is amended to read:

6 (b) For a firefighter covered under AS 23.30.243, an emergency medical
7 technician, a paramedic, or a peace officer,

8 (1) there is a presumption that a claim for compensation for disability
9 as a result of the following diseases is within the provisions of this chapter:

10 (A) respiratory disease;

11 (B) cardiovascular events that are experienced within 72 hours
12 after exposure to smoke, fumes, or toxic substances; and

13 (C) the following cancers:

14 (i) primary brain cancer;

15 (ii) malignant melanoma;

- (iii) leukemia;
- (iv) non-Hodgkin's lymphoma;
- (v) bladder cancer;
- (vi) ureter cancer;
- (vii) kidney cancer; [AND]
- (viii) prostate cancer; and
- (ix) breast cancer;

(2) notwithstanding AS 23.30.100(a), following termination of service, the presumption established in (1) of this subsection extends to the firefighter, emergency medical technician, paramedic, or peace officer for a period of three calendar months for each year of requisite service but may not extend more than 60 calendar months following the last date of employment;

(3) the presumption established in (1) of this subsection applies only to an active or former firefighter, emergency medical technician, paramedic, or peace officer who has a disease described in (1) of this subsection that develops or manifests itself after the firefighter, emergency medical technician, paramedic, or peace officer has served in the state for at least seven years and who

(A) was given a qualifying medical examination upon becoming a firefighter, emergency medical technician, paramedic, or peace officer that did not show evidence of the disease;

(B) was given an annual medical examination [EXAM] during each of the first seven years of employment that did not show evidence of the disease; and

(C) with regard to diseases described in (1)(C) of this subsection, demonstrates that, while in the course of employment as a firefighter, emergency medical technician, paramedic, or peace officer, the firefighter, emergency medical technician, paramedic, or peace officer was exposed to a known carcinogen, as defined by the International Agency for Research on Cancer or the National Toxicology Program, and the carcinogen is associated with a disabling cancer;

(4) notwithstanding (3)(A) and (B) of this subsection, a firefighter,

emergency medical technician, paramedic, or peace officer who entered active service as a firefighter, emergency medical technician, paramedic, or peace officer before August 19, 2008, is entitled to the presumption set out in this section if, before August 19, 2008, the firefighter, emergency medical technician, paramedic, or peace officer received all medical examinations provided by the department employing the firefighter, emergency medical technician, paramedic, or peace officer and the examinations did not show evidence of the disease during the first seven years of employment.

* **Sec. 2.** AS 23.30.121(c) is amended to read:

(c) The presumption set out in this section applies only to

(1) a firefighter who, at a minimum, holds a certificate as a Firefighter I by the Department of Public Safety under firefighter testing and certification standards established by the department under authority of AS 18.70.350(1) or other applicable statutory authority;

(2) a peace officer;

(3) an emergency medical technician; and

(4) a paramedic.

* **Sec. 3.** AS 23.30.121(d) is amended to read:

(d) The provisions of (b)(1)(A) and (B) of this section do not apply to a firefighter, emergency medical technician, paramedic, or peace officer who develops a cardiovascular or lung condition and who has a history of tobacco product use as established under (e)(2) of this section.

* **Sec. 4.** AS 23.30.121(e) is amended to read:

(e) The department shall, by regulation, define

(1) for purposes of (b)(1) - (3) of this section, the type and extent of the medical examination that is needed to eliminate evidence of the disease in an active or former firefighter, emergency medical technician, paramedic, or peace officer; and

(2) for purposes of (d) of this section, the nature and quantity of a person's tobacco product use; the standards adopted under this paragraph shall use or be based on existing medical research.

* **Sec. 5.** AS 23.30.121(f) is amended to read:

(f) In this section,

(1) "emergency medical technician" has the meaning given in AS 18.08.200;

(2) "firefighter" means

(A) a person employed by a state or municipal fire department or who is a member of a volunteer fire department registered with the state fire marshal; or

(B) a person registered for purposes of workers' compensation with the state fire marshal as a member of a volunteer fire department;

(3) "paramedic" has the meaning given in AS 12.55.185;

(4) "peace officer" has the meaning given in AS 11.81.900 [AS 09.65.295].

* **Sec. 6.** The uncoded law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 23.30.121, as amended by this Act, applies to claims made on or after the effective date of this Act.

* **Sec. 7.** The uncoded law of the State of Alaska is amended by adding a new section to read:

REVISOR'S INSTRUCTION. The revisor of statutes is encouraged to update the catch line of AS 23.30.121 to reflect the changes to that section made in this Act.