

1 HB5  
2 133168-1  
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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8 SYNOPSIS: Under existing law, there are specific  
9 compensation provisions for the death or disability  
10 due to occupational disease of a firefighter  
11 employed by a city. However, there are no specific  
12 compensation provisions for state firefighters.

13 This bill would provide death or disability  
14 benefits due to occupational disease as defined for  
15 a firefighter employed by the state. This bill  
16 would also specify that, if a firefighter suffers  
17 from heart disease, hypertension, respiratory  
18 disease, cancer, HIV, or hepatitis, the state must  
19 prove by a preponderance of the evidence that the  
20 condition was caused by some means other than the  
21 occupation to disqualify the firefighter from  
22 benefits.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

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

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

22           a. Hypertension.

23           b. Heart disease.

24           c. Respiratory disease.

25           d. Cancer which manifests itself in a firefighter  
26 during the period in which the firefighter is in the service  
27 of the state, provided the firefighter demonstrates that he or

1 she, while in the employ of the state, was exposed to a known  
2 carcinogen which is reasonably linked to the disabling cancer,  
3 and the cancer shall be presumed to arise out of and in the  
4 course of the firefighter's employment unless the state  
5 demonstrates by a preponderance of the evidence that the  
6 cancer was caused by some other means.

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

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

17 Section 2. (a) This act shall apply to firefighters  
18 who, upon entering the service of the state as firefighters,  
19 have successfully passed a physical examination which failed  
20 to reveal any evidence of a firefighter's occupational disease  
21 and who have completed at least three years' service as  
22 firefighters. If a physical examination was not required at  
23 the time of entry into service, a firefighter who completes an  
24 exam by January 1, 2013, shall be deemed eligible for benefits  
25 under this section.

26 (b) If a firefighter who qualifies for benefits  
27 under Chapter 29A of Title 36, Code of Alabama 1975, or any

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

12 (d) In the case of an occupational disease as  
13 defined in this act, the state must prove by a preponderance  
14 of the evidence that the condition was caused by some means  
15 other than the occupation to disqualify the firefighter from  
16 benefits.

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