

1 HB532
2 211700-2
3 By Representatives Bedsole, Hanes, Holmes, Robertson, Oliver,
4 Reynolds, Treadaway and Wadsworth
5 RFD: County and Municipal Government
6 First Read: 11-MAR-21

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

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

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

21 "~~(4)~~ (3) DISABILITY. Disability to perform duties as
22 a firefighter.

23 "~~(5)~~ (1) BENEFIT. Any monetary allowance payable by
24 a city or from a pension system established for the firemen of
25 a city to a firefighter on account of his or her disability or
26 to his or her dependents on account of his or her death,

1 irrespective of whether the same is payable under a pension
2 law of the state or under some other law of the state.

3 "(b) (1) This section shall apply to firefighters
4 who, upon entering the service of the city as firefighters,
5 have successfully passed a physical examination which failed
6 to reveal any evidence of a firefighter's occupational disease
7 and who have completed at least three years' service as
8 firefighters.

9 "(2) If a physical examination was not required at
10 the time of entry into service, a firefighter who has
11 completed at least three years' continuous service as a
12 firefighter next preceding September 8, 1967, shall be deemed
13 eligible for benefits under this section.

14 "(c) (1) If a firefighter who qualifies for benefits
15 under this section suffers disability as a result of a
16 firefighter's occupational disease, his or her disability
17 shall be compensable the same as any service-connected
18 disability under any law which provides benefits for
19 firefighters of the city injured in the line of duty. If a
20 firefighter, who qualifies for benefits under this section,
21 dies as the result of a firefighter's occupational disease,
22 his or her death shall be compensable to the same extent as
23 the death of a firefighter killed in the line of duty, and
24 shall be considered to have been killed in the line of duty
25 for purposes of Sections 36-30-1 to 36-30-7, inclusive.

26 "(2) Notwithstanding the foregoing, a firefighter
27 who dies of cancer, as provided in paragraph (a) (5)d., within

1 10 years of the firefighter's last date of employment shall be
2 considered to have been killed in the line of duty for
3 purposes of Sections 36-30-1 to 36-30-7, inclusive.

4 "(d) In the case of cancer, heart disease,
5 hypertension, and respiratory disease, the ~~municipality~~ city
6 must prove by a preponderance of the evidence that the
7 condition was caused by some means other than the occupation
8 to disqualify the firefighter from benefits."

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on County and Mu-
nicipal Government..... 11-MAR-21

Read for the second time and placed
on the calendar 1 amendment 07-APR-21

Read for the third time and passed
as amended..... 20-APR-21

Yeas 97, Nays 0, Abstains 0

Jeff Woodard
Clerk