

1 HB532
2 211700-1
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

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8 SYNOPSIS: Under existing law, if a non-volunteer
9 firefighter develops a disability that impairs his
10 or her ability to perform his or her duties as a
11 firefighter, or dies in the line of duty as a
12 firefighter, the firefighter, or his or her
13 dependents, is eligible for compensation for the
14 disability or death. The compensation for
15 disability applies if the firefighter, upon
16 entering into service as a firefighter for a
17 municipality, has passed a successful physical
18 examination that did not show any evidence of a
19 firefighter's occupational disease.

20 Also under existing law, cancer is
21 recognized as a firefighter's occupational disease
22 if the firefighter can establish that he or she was
23 exposed while in the employ of the city, to a known
24 carcinogen that is reasonably linked to the
25 disabling cancer. A firefighter who develops a
26 firefighter's occupational disease is presumed to
27 have developed the disease in the course of duty.

1 This bill would provide that when a
2 firefighter who develops cancer within 10 years of
3 his or her last date of employment with a
4 municipality, the cancer is presumed to be a
5 firefighter's occupational disease, thus rendering
6 the firefighter eligible for disability benefits,
7 if it is established that the firefighter, while in
8 the employ of the municipality, was exposed to a
9 known carcinogen that is reasonably linked to the
10 disabling cancer.

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12 A BILL
13 TO BE ENTITLED
14 AN ACT

15
16 Relating to firefighters; to amend Section
17 11-43-144, Code of Alabama 1975, to further provide for which
18 cancers are included within the meaning of firefighter's
19 occupational disease.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 11-43-144, Code of Alabama 1975,
22 is amended to read as follows:

23 "§11-43-144.

24 "(a) As used in this section the following words and
25 terms shall have the meanings ascribed to them herein unless a
26 contrary meaning is indicated by the context:

1 "~~(1)~~ (2) CITY. Any municipality of the state,
2 regardless of its population.

3 "~~(2)~~ (4) FIREFIGHTER. A person employed as a
4 firefighter by a city.

5 "~~(3)~~ (5) FIREFIGHTER'S OCCUPATIONAL DISEASE. Any
6 condition or impairment of health caused by any of the
7 following:

8 "a. Hypertension.

9 "b. Heart disease.

10 "c. Respiratory disease.

11 "d. Cancer which manifests itself in a firefighter
12 during the period in which the firefighter is in the service
13 of the city, or up to 10 years after the firefighter's last
14 date of employment, provided the firefighter demonstrates that
15 he or she was exposed, while in the employ of the city, to a
16 known carcinogen ~~which~~ that is reasonably linked to the
17 disabling cancer, and the cancer shall be presumed to arise
18 out of and in the course of the firefighter's employment,
19 unless the city demonstrates by a preponderance of the
20 evidence that the cancer was caused by some other means.

21 "e. AIDS which manifests itself in a firefighter
22 during the period in which the firefighter is in the service
23 of the city, provided the firefighter demonstrates that he or
24 she was exposed to AIDS while in the line and scope of his or
25 her employment with the city.

26 "f. Hepatitis which manifests itself in a
27 firefighter during the period in which the firefighter is in

1 the service of the city, provided the firefighter demonstrates
2 that he or she was exposed to hepatitis while in the line and
3 scope of his or her employment with the city.

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

6 "~~(5)~~ (1) BENEFIT. Any monetary allowance payable by
7 a city or from a pension system established for the firemen of
8 a city to a firefighter on account of his or her disability or
9 to his or her dependents on account of his or her death,
10 irrespective of whether the same is payable under a pension
11 law of the state or under some other law of the state.

12 "(b) (1) This section shall apply to firefighters
13 who, upon entering the service of the city as firefighters,
14 have successfully passed a physical examination which failed
15 to reveal any evidence of a firefighter's occupational disease
16 and who have completed at least three years' service as
17 firefighters.

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

23 "(c) If a firefighter who qualifies for benefits
24 under this section suffers disability as a result of a
25 firefighter's occupational disease, his or her disability
26 shall be compensable the same as any service-connected
27 disability under any law which provides benefits for

1 firefighters of the city injured in the line of duty. If a
2 firefighter, who qualifies for benefits under this section,
3 dies as the result of a firefighter's occupational disease,
4 his or her death shall be compensable to the same extent as
5 the death of a firefighter killed in the line of duty, and
6 shall be considered to have been killed in the line of duty
7 for purposes of Sections 36-30-1 to 36-30-7, inclusive.

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

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