

HB223 INTRODUCED



1 HB223
2 1JPK33L-1
3 By Representative Treadaway
4 RFD: County and Municipal Government
5 First Read: 22-Feb-24



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SYNOPSIS:

Existing law provides that firefighters may be paid benefits for disability or death caused by a firefighter's occupational disease.

This bill would add Parkinson's disease to the list of firefighter's occupational diseases. This bill would also provide a standard for demonstrating that Parkinson's disease is occupational in origin in order to qualify for benefits.

This bill would delete duplicative language and would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to firefighters; to amend Sections 11-43-144, 36-30-40, and 36-30-41, Code of Alabama 1975, to further provide for disability and death benefits for firefighters; to add Parkinson's disease to the list of firefighter's occupational diseases; to provide a qualifying standard; and to delete duplicative language and make nonsubstantive, technical revisions to update the existing code language to



HB223 INTRODUCED

29 current style.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. Sections 11-43-144, 36-30-40, and 36-30-41,
32 Code of Alabama 1975, are amended to read as follows:

33 "§11-43-144

34 (a) As used in this section the following words and
35 terms ~~shall~~ have the meanings ascribed to them herein unless a
36 contrary meaning is indicated by the context:

37 (1) BENEFIT. Any monetary allowance payable by a city
38 or from a pension system established for the ~~firemen~~
39 firefighters of a city to a firefighter on account of his or
40 her disability or to his or her dependents on account of his
41 or her death, irrespective of whether the same is payable
42 under a pension law of the state or under some other law of
43 the state.

44 (2) CITY. Any municipality of the state, regardless of
45 its population.

46 (3) DISABILITY. ~~Disability~~ A condition that renders an
47 individual unable to perform the required duties ~~as of~~ a
48 firefighter.

49 (4) FIREFIGHTER. A person employed as a firefighter by
50 a city.

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

53 a. Hypertension.

54 b. Heart disease.

55 c. Respiratory disease.

56 d. Cancer that manifests itself in a firefighter during



HB223 INTRODUCED

57 the period in which the firefighter is in the service of the
58 city, ~~provided if~~ the firefighter demonstrates that he or she
59 was exposed, while ~~in the employ of~~ employed by the city, to a
60 known carcinogen that is reasonably linked to the disabling
61 cancer, ~~and in which case~~ the cancer shall be presumed to arise
62 out of and in the course of the firefighter's employment, ~~unless the city demonstrates by a preponderance of the~~
63 ~~evidence that the cancer was caused by some other means.~~

64
65 e. AIDSHIV that manifests itself in a firefighter
66 during the period in which the firefighter is ~~in the service~~
67 ~~of~~ employed by the city, ~~provided if~~ the firefighter
68 demonstrates that he or she was exposed to AIDSHIV while in
69 the line and scope of his or her employment with the city.

70 f. Hepatitis that manifests itself in a firefighter
71 during the period in which the firefighter is in the service
72 of the city, ~~provided if~~ the firefighter demonstrates that he
73 or she was exposed to hepatitis while in the line and scope of
74 his or her employment with the city.

75 g. Parkinson's disease that manifests itself in a
76 firefighter during the period in which the firefighter is in
77 the service of the city if the firefighter demonstrates that
78 he or she, while employed by the city, was exposed to a known
79 toxin that is associated with an increased risk of Parkinson's
80 disease, in which case the Parkinson's disease shall be
81 presumed to arise out of and in the course of the
82 firefighter's employment.

83 (b) (1) This section shall apply to firefighters who,
84 upon entering the service of the city as firefighters, have



HB223 INTRODUCED

85 successfully passed a physical examination which failed to
86 reveal any evidence of a firefighter's occupational disease
87 and who have completed at least three years' service as
88 firefighters.

89 (2) If a physical examination was not required at the
90 time of entry into service, a firefighter who has completed at
91 least three years' continuous service as a firefighter next
92 preceding September 8, 1967, shall be deemed eligible for
93 benefits under this section.

94 (c) (1) If a firefighter ~~who qualifies~~who is eligible
95 for benefits under this section suffers disability as a result
96 of a firefighter's occupational disease, his or her disability
97 shall be ~~compensable the same as any service-connected~~
98 ~~disability~~compensated under any law that provides benefits for
99 firefighters of the city who are injured in the line of duty.
100 If a firefighter, who qualifies for benefits under this
101 section, dies as the result of a firefighter's occupational
102 disease, his or her death shall be ~~compensable to the same~~
103 ~~extent as the death of a~~compensated the same as that of a
104 firefighter killed in the line of duty, ~~and shall be~~
105 ~~considered to have been killed in the line of duty for~~
106 ~~purposes of Sections 36-30-1 to 36-30-7, inclusive~~ pursuant to
107 Article 1 of Title 30.

108 (2) Notwithstanding subdivision (1), a firefighter who
109 dies of cancer, as provided in paragraph (a)(5)d., within 10
110 years of the firefighter's last date of employment shall be
111 considered to have been killed in the line of duty for
112 purposes of ~~Sections 36-30-1 to 36-30-7, inclusive~~Article 1 of



HB223 INTRODUCED

113 Title 30.

114 (d) ~~In the case of cancer, heart disease, hypertension,~~
115 ~~and respiratory disease, the~~In the case of a firefighter's
116 occupational disease as defined in this section, the city must
117 prove by a preponderance of the evidence that the condition
118 was caused by some means other than the occupation to
119 disqualify the firefighter from benefits."

120 "§36-30-40

121 As used in this article, the following terms ~~shall~~ have
122 the following meanings:

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

128 (2) DISABILITY. ~~Disability~~A condition that renders an
129 individual unable to perform the required duties ~~as of~~ a
130 firefighter.

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

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

135 a. Hypertension.

136 b. Heart disease.

137 c. Respiratory disease.

138 d. Cancer ~~which~~that manifests itself in a firefighter
139 during the period in which the firefighter is in the service
140 of the state, ~~provided if~~ if the firefighter demonstrates that he



HB223 INTRODUCED

141 or she, while ~~in the employ of~~employed by the state, was
142 exposed to a known carcinogen ~~which~~that is reasonably linked
143 to the disabling cancer, ~~and in which case~~ the cancer shall be
144 presumed to arise out of and in the course of the
145 firefighter's employment ~~unless the state demonstrates by a~~
146 ~~preponderance of the evidence that the cancer was caused by~~
147 ~~some other means.~~

148 e. HIV ~~which~~that manifests itself in a firefighter
149 during the period in which the firefighter is ~~in the service~~
150 ~~of~~employed by the state, ~~provided if~~ the firefighter
151 demonstrates ~~by sufficient evidence~~ that he or she was exposed
152 to HIV while in the line and scope of his or her employment
153 with the state.

154 f. Hepatitis ~~which~~that manifests itself in a
155 firefighter during the period in which the firefighter is in
156 the service of the state, ~~provided if~~ the firefighter
157 demonstrates that he or she was exposed to hepatitis while in
158 the line and scope of his or her employment with the state.

159 g. Parkinson's disease that manifests itself in a
160 firefighter during the period in which the firefighter is in
161 the service of the state if the firefighter demonstrates that
162 he or she, while employed by the state, was exposed to a known
163 toxin that is associated with an increased risk of Parkinson's
164 disease, in which case the Parkinson's disease shall be
165 presumed to arise out of and in the course of the
166 firefighter's employment."

167 "§36-30-41

168 (a) This article shall apply to firefighters who, upon



HB223 INTRODUCED

169 entering the service of the state as firefighters, have
170 successfully passed a physical examination which failed to
171 reveal any evidence of a firefighter's occupational disease
172 and who have completed at least three years' service as
173 firefighters. If a physical examination was not required at
174 the time of entry into service, a firefighter who completes an
175 exam by January 1, 2013, shall be deemed eligible for benefits
176 under this section.

177 (b) If a firefighter ~~who qualifies~~who is eligible for
178 benefits under Chapter 29A of this title, or any other law,
179 suffers disability as a result of a firefighter's occupational
180 disease, his or her disability shall be ~~compensable the same~~
181 ~~as any service-connected disability~~compensated under any law
182 ~~which~~that provides benefits for firefighters of the state who
183 are injured in the line of duty. If a firefighter who
184 qualifies for benefits under this section dies as the result
185 of a firefighter's occupational disease, his or her death
186 shall be ~~compensable to the same extent as the death of a~~
187 ~~firefighter killed in the line of duty, and the firefighter~~
188 ~~shall be considered to have~~compensated as if the firefighter
189 had been killed in the line of duty ~~for purposes of Sections~~
190 ~~36-30-1 to 36-30-7, inclusive~~pursuant to Article 1 of this
191 chapter.

192 (c) In the case of an occupational disease as defined
193 in this article, the state must prove by a preponderance of
194 the evidence that the condition was caused by some means other
195 than the occupation to disqualify the firefighter from
196 benefits."



HB223 INTRODUCED

197 Section 2. This act shall become effective on October
198 1, 2024.