



**House Ways and Means General Fund Reported
Substitute for HB227**

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 limit the number of years in which a former firefighter or a beneficiary thereof may qualify for the disability and death benefit provided for a firefighter's occupational disease, with an exception; to extend the post-employment period in which a firefighter who dies of cancer is eligible for the line of duty death benefit; to recognize that if a fire district provides a death and disability benefit to an employed firefighter for occupational disease, the fire district may limit the number of years in which the firefighter or a beneficiary thereof may qualify for the benefit, with an exception; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-43-144

(a) As used in this section, the following words and terms ~~shall have the~~ following meanings ~~ascribed to them~~



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~~herein unless a contrary meaning is indicated by the context:~~

(1) BENEFIT. Any monetary allowance ~~payable~~arranged or provided by a city ~~or from a pension system established for the firemen of a~~for a firefighter employed by the city ~~to a firefighter on account of his or her disability~~ or to his or her dependents ~~on account of his or her death, irrespective of whether the same is payable under a pension law of the state or under some other law of the state.~~

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

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

(4) FIREFIGHTER. ~~A person~~An individual employed as a firefighter by a city.

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

a. Hypertension.

b. Heart disease.

c. Respiratory disease.

d. Cancer that manifests itself in a firefighter ~~during the period in which~~while the firefighter is ~~in the service of~~employed by the city, ~~provided~~if the firefighter demonstrates that he or she was exposed, ~~while in the employ of the city,~~ to a known carcinogen that is reasonably linked to the disabling cancer while in the scope of his or her duties with the city, ~~and~~in which case the cancer shall be presumed to arise out of and in the course of the



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firefighter's employment, ~~unless the city demonstrates by a preponderance of the evidence that the cancer was caused by some other means.~~

e. ~~AIDS~~HIV that manifests itself in a firefighter ~~during the period in which~~while the firefighter is ~~in the service of~~employed by the city, ~~provided if~~ the firefighter demonstrates that he or she was exposed to ~~AIDS~~HIV while in the ~~line and~~ scope of his or her ~~employment~~duties with the city, in which case the HIV shall be presumed to arise out of and in the course of the firefighter's employment.

f. Hepatitis that manifests itself in a firefighter ~~during the period in which~~while the firefighter is ~~in the service of~~employed by the city, ~~provided if~~ the firefighter demonstrates that he or she was exposed to hepatitis while in the ~~line and scope~~scope of his or her employment with the city, in which case the hepatitis shall be presumed to arise out of and in the course of the firefighter's employment.

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

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



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(c) (1) If a firefighter who ~~qualifies for benefits under this section~~ is eligible under subsection (b) suffers disability as a result of a firefighter's occupational disease, his or her disability shall be ~~compensable the same as any service-connected disability under any law that provides benefits for firefighters~~ compensated the same as any firefighter of the city who is injured in the line of duty under any available law, pension, or benefit that compensates for any service-connected disability.

(2) If a firefighter, ~~who qualifies for benefits under this section,~~ who is eligible under subsection (b) dies as ~~the~~ a result of a firefighter's occupational disease, his or her death shall be ~~compensable to the same extent as the death of a~~ compensated under the provision for a firefighter killed in the line of duty, ~~and shall be considered to have been killed in the line of duty for purposes of Sections 36-30-1 to 36-30-7, inclusive~~ pursuant to Article 1, Chapter 30, Title 36.

~~(2)~~ (3) Notwithstanding subdivision ~~(1)~~ (2), a firefighter who dies of cancer, as provided in paragraph (a) (5)d., within 1015 years of the firefighter's last date of employment shall be considered to have been killed in the line of duty for purposes of ~~Sections 36-30-1 to 36-30-7, inclusive~~ Article 1, Chapter 30, Title 36.

(4)a. Except as provided in paragraph b., a firefighter who suffers a disability or dies as a result of hypertension, heart disease, or respiratory disease after the 15-year anniversary of the last date of his or her employment as a



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firefighter shall not qualify for the benefit or compensation provided under this section.

b. Paragraph a. does not apply if the firefighter's hypertension, heart disease, or respiratory disease is reasonably linked to an event or condition in the firefighter's service to the city.

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

"§36-30-40

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

(1) BENEFIT. Any monetary allowance ~~payable~~arranged or provided by the state for a firefighter employed by the state ~~on account of his or her disability~~ or to his or her dependents ~~on account of his or her death, irrespective of whether the same is payable under a pension law of the state or under some other law of the state.~~

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

(3) FIREFIGHTER. ~~A person~~An individual employed as a firefighter by the state.

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

a. Hypertension.



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b. Heart disease.

c. Respiratory disease.

d. Cancer which manifests itself in a firefighter

~~during the period in which~~while the firefighter is ~~in the~~
~~service of~~employed by the state, ~~provided if~~ the firefighter
demonstrates that he or she, ~~while in the employ of the state,~~
was exposed to a known carcinogen which is reasonably linked
to the disabling cancer while in the scope of his or her
duties with the state, ~~and in which case~~ the cancer shall be
presumed to arise out of and in the course of the
firefighter's employment ~~unless the state demonstrates by a~~
~~preponderance of the evidence that the cancer was caused by~~
~~some other means.~~

e. HIV ~~which~~that manifests itself in a firefighter

~~during the period in which~~while the firefighter is ~~in the~~
~~service of~~employed by the state, ~~provided if~~ the firefighter
demonstrates ~~by sufficient evidence~~ that he or she was exposed
to HIV while in the ~~line and~~ scope of his or her employment
with the state, in which case the HIV shall be presumed to
arise out of and in the course of the firefighter's
employment.

f. Hepatitis ~~which~~that manifests itself in a

firefighter ~~during the period in which~~while the firefighter is
~~in the service of~~employed by the state, ~~provided if~~ the
firefighter demonstrates that he or she was exposed to
hepatitis while in the ~~line and~~ scope of his or her employment
with the state, in which case the hepatitis shall be presumed
to arise out of and in the course of the firefighter's



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169 employment."

170 "§36-30-41

171 (a) (1) This article shall apply to firefighters who,
172 upon entering the service of the state as firefighters, have
173 successfully passed a physical examination ~~which~~that failed to
174 reveal any evidence of a firefighter's occupational disease
175 and who have completed at least three years' service as
176 firefighters.

177 (2) If a physical examination was not required at the
178 time of entry into service, a firefighter who completes an
179 exam by January 1, 2013, shall be ~~deemed~~ eligible for benefits
180 under this section.

181 (b) (1) If a firefighter who ~~qualifies for benefits~~
182 ~~under Chapter 29A, or any other law,~~is eligible under
183 subsection (a) suffers disability as a result of a
184 firefighter's occupational disease, his or her disability
185 shall be ~~compensable the same as any service-connected~~
186 ~~disability under any law which provides benefits for~~
187 ~~firefighters~~compensated the same as any firefighter of the
188 state who is injured in the line of duty under any law,
189 including Chapter 29A, or any pension or benefit that
190 compensates for any service-connected disability.

191 (2) If a firefighter ~~who qualifies for benefits under~~
192 ~~this section~~who is eligible under subsection (a) dies as ~~the~~a
193 result of a firefighter's occupational disease, his or her
194 death shall be ~~compensable to the same extent as the death~~
195 ~~of~~compensated under the provision for a firefighter killed in
196 the line of duty, ~~and the firefighter shall be considered to~~



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~~have been killed in the line of duty for purposes of Sections
36-30-1 to 36-30-7, inclusive~~ pursuant to Article 1, Chapter
30, Title 36.

(3)a. Except as provided in paragraph b., a firefighter
who suffers a disability or dies as a result of hypertension,
heart disease, or respiratory disease after the 15-year
anniversary of the last date of his or her employment as a
firefighter shall not qualify for the benefit or compensation
provided under this section.

b. Paragraph a. does not apply if the firefighter's
hypertension, heart disease, or respiratory disease is
reasonably linked to an event or condition in the
firefighter's service to the state.

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

Section 2. (a) As used in this section, the following
words have the following meanings:

(1) BENEFIT. Any monetary allowance arranged or
provided by a fire district under a pension, contract, or law
for a firefighter employed by the fire district or to his or
her dependents.

(2) FIRE DISTRICT. The term includes any of the
following:

a. Any fire district established pursuant to a
constitutional amendment of local application or a local act.



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b. Any fire district established pursuant to Chapter 89, Title 11, Code of Alabama 1975.

c. Any authority providing fire protection service established pursuant to Chapter 88, Title 11, Code of Alabama 1975.

(3) DISABILITY. A condition that renders an individual unable to perform the required duties of a firefighter.

(4) FIREFIGHTER. An individual employed as a firefighter by a fire district.

(b) A fire district that administers or provides a disability or death benefit for a firefighter's occupational disease as defined in Section 11-43-144, Code of Alabama 1975, when the firefighter's disability or death is caused by hypertension, heart disease, or respiratory disease, may limit the period in which a firefighter may qualify for the benefit to no later than the 15-year anniversary of the firefighter's last day of employment by the fire district, unless the hypertension, heart disease, or respiratory disease is reasonably linked to an event or condition in the firefighter's service to the fire district.

Section 3. This act shall become effective on October 1, 2025.