

HB227 INTRODUCED



1 HB227
2 4DVP33I-1
3 By Representatives Bedsole, Pettus, Lovvorn, Moore (P),
4 Whorton
5 RFD: Ways and Means General Fund
6 First Read: 06-Feb-25



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SYNOPSIS:

Under existing law, a firefighter paid by a municipality or by the state who is disabled or who dies as a result of hypertension, heart disease, or respiratory disease may be eligible for the same benefits that would be available for a firefighter who is injured or killed in the line of duty. This eligibility applies to an individual who has ceased to be employed as a firefighter.

This bill would limit an individual's eligibility for these benefits to 10 years after he or she leaves employment as a municipal or state firefighter, unless the individual can show that the qualifying disease resulted from the individual's work as a firefighter.

This bill recognizes that if a fire district makes the same benefits available to employee firefighters, the fire district may impose the same conditions on eligibility after the firefighter leaves the employment of the fire district.

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



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29 A BILL
30 TO BE ENTITLED
31 AN ACT

32
33 Relating to firefighters; to amend Sections 11-43-144,
34 36-30-40, and 36-30-41, Code of Alabama 1975, to limit the
35 number of years in which a former firefighter or a beneficiary
36 thereof may qualify for the disability and death benefit
37 provided for a firefighter's occupational disease, with an
38 exception; to recognize that if a fire district provides a
39 death and disability benefit to an employed firefighter for
40 occupational disease, the fire district may limit the number
41 of years in which the firefighter or a beneficiary thereof may
42 qualify for the benefit, with an exception; and to make
43 nonsubstantive, technical revisions to update the existing
44 code language to current style.

45 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

48 "§11-43-144

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

52 (1) BENEFIT. Any monetary allowance ~~payable~~ arranged or
53 provided by a city ~~or from a pension system established for~~
54 ~~the firemen of a~~ for a firefighter employed by the city ~~to a~~
55 ~~firefighter on account of his or her disability~~ or to his or
56 her dependents ~~on account of his or her death, irrespective of~~



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57 ~~whether the same is payable under a pension law of the state~~
58 ~~or under some other law of the state.~~

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

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

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

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

68 a. Hypertension.

69 b. Heart disease.

70 c. Respiratory disease.

71 d. Cancer that manifests itself in a firefighter ~~during~~

72 ~~the period in which~~while the firefighter is ~~in the service~~

73 ~~of~~employed by the city, ~~provided~~if the firefighter

74 demonstrates that he or she was exposed, ~~while in the employ~~

75 ~~of the city,~~ to a known carcinogen that is reasonably linked

76 to the disabling cancer while in the scope of his or her

77 duties with the city, ~~and~~in which case the cancer shall be

78 presumed to arise out of and in the course of the

79 firefighter's employment, ~~unless the city demonstrates by a~~

80 ~~preponderance of the evidence that the cancer was caused by~~

81 ~~some other means.~~

82 e. ~~AIDS~~HIV that manifests itself in a firefighter

83 ~~during the period in which~~while the firefighter is ~~in the~~

84 ~~service of~~employed by the city, ~~provided~~if the firefighter



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85 demonstrates that he or she was exposed to ~~AIDS~~HIV while in
86 the ~~line and~~ scope of his or her ~~employment~~duties with the
87 city, in which case the HIV shall be presumed to arise out of
88 and in the course of the firefighter's employment.

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

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

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

107 (c) (1) If a firefighter who ~~qualifies for benefits~~
108 ~~under this section~~is eligible under subsection (b) suffers
109 disability as a result of a firefighter's occupational
110 disease, his or her disability shall be ~~compensable the same~~
111 ~~as any service-connected disability under any law that~~
112 ~~provides benefits for firefighters~~compensated the same as any



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113 firefighter of the city who is injured in the line of duty
114 under any available law, pension, or benefit that compensates
115 for any service-connected disability.

116 (2) If a firefighter, ~~who qualifies for benefits under~~
117 ~~this section,~~ who is eligible under subsection (b) dies as ~~the~~a
118 result of a firefighter's occupational disease, his or her
119 death shall be ~~compensable to the same extent as the death of~~
120 ~~a~~ compensated under the provision for a firefighter killed in
121 the line of duty, ~~and shall be considered to have been killed~~
122 ~~in the line of duty for purposes of Sections 36-30-1 to~~
123 ~~36-30-7, inclusive~~ pursuant to Article 1, Chapter 30, Title
124 36.

125 ~~(2)~~ (3) Notwithstanding subdivision ~~(1)~~ (2), a
126 firefighter who dies of cancer, as provided in paragraph
127 (a) (5)d., within 10 years of the firefighter's last date of
128 employment shall be considered to have been killed in the line
129 of duty for purposes of ~~Sections 36-30-1 to 36-30-7,~~
130 ~~inclusive~~ Article 1, Chapter 30, Title 36.

131 (4)a. Except as provided in paragraph b., a firefighter
132 who suffers a disability or dies as a result of hypertension,
133 heart disease, or respiratory disease after the 10-year
134 anniversary of the last date of his or her employment as a
135 firefighter shall not qualify for the benefit or compensation
136 provided under this section.

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



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

146 "§36-30-40

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

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

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

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

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

162 a. Hypertension.

163 b. Heart disease.

164 c. Respiratory disease.

165 d. Cancer which manifests itself in a firefighter
166 ~~during the period in which~~while the firefighter is ~~in the~~
167 ~~service of~~employed by the state, ~~provided if~~ the firefighter
168 demonstrates that he or she, ~~while in the employ of the state,~~



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169 was exposed to a known carcinogen which is reasonably linked
170 to the disabling cancer while in the scope of his or her
171 duties with the state, and in which case the cancer shall be
172 presumed to arise out of and in the course of the
173 firefighter's employment ~~unless the state demonstrates by a~~
174 ~~preponderance of the evidence that the cancer was caused by~~
175 ~~some other means.~~

176 e. HIV ~~which~~that manifests itself in a firefighter
177 ~~during the period in which~~while the firefighter is ~~in the~~
178 ~~service of~~employed by the state, ~~provided if~~ the firefighter
179 demonstrates ~~by sufficient evidence~~ that he or she was exposed
180 to HIV while in the ~~line and~~ scope of his or her employment
181 with the state, in which case the HIV shall be presumed to
182 arise out of and in the course of the firefighter's
183 employment.

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

192 "§36-30-41

193 (a) (1) This article shall apply to firefighters who,
194 upon entering the service of the state as firefighters, have
195 successfully passed a physical examination ~~which~~that failed to
196 reveal any evidence of a firefighter's occupational disease



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197 and who have completed at least three years' service as
198 firefighters.

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

203 (b) (1) If a firefighter who ~~qualifies for benefits~~
204 ~~under Chapter 29A, or any other law,~~ is eligible under
205 subsection (a) suffers disability as a result of a
206 firefighter's occupational disease, his or her disability
207 shall be ~~compensable the same as any service-connected~~
208 ~~disability under any law which provides benefits for~~
209 ~~firefighters~~ compensated the same as any firefighter of the
210 state who is injured in the line of duty under any law,
211 including Chapter 29A, or any pension or benefit that
212 compensates for any service-connected disability.

213 (2) If a firefighter ~~who qualifies for benefits under~~
214 ~~this section~~ who is eligible under subsection (a) dies as ~~thea~~
215 result of a firefighter's occupational disease, his or her
216 death shall be ~~compensable to the same extent as the death~~
217 ~~of~~ compensated under the provision for a firefighter killed in
218 the line of duty, ~~and the firefighter shall be considered to~~
219 ~~have been killed in the line of duty for purposes of Sections~~
220 ~~36-30-1 to 36-30-7, inclusive~~ pursuant to Article 1, Chapter
221 30, Title 36.

222 (3)a. Except as provided in paragraph b., a firefighter
223 who suffers a disability or dies as a result of hypertension,
224 heart disease, or respiratory disease after the 10-year



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225 anniversary of the last date of his or her employment as a
226 firefighter shall not qualify for the benefit or compensation
227 provided under this section.

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

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

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

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

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

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

247 b. Any fire district established pursuant to Chapter
248 89, Title 11, Code of Alabama 1975.

249 c. Any authority providing fire protection service
250 established pursuant to Chapter 88, Title 11, Code of Alabama
251 1975.

252 (3) DISABILITY. A condition that renders an individual



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253 unable to perform the required duties of a firefighter.

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

256 (b) A fire district that administers or provides a
257 disability or death benefit for a firefighter's occupational
258 disease as defined in Section 11-43-144, Code of Alabama 1975,
259 when the firefighter's disability or death is caused by
260 hypertension, heart disease, or respiratory disease, may limit
261 the period in which a firefighter may qualify for the benefit
262 to no later than the 10-year anniversary of the firefighter's
263 last day of employment by the fire district, unless the
264 hypertension, heart disease, or respiratory disease is
265 reasonably linked to an event or condition in the
266 firefighter's service to the fire district.

267 Section 3. This act shall become effective on October
268 1, 2025.