



**House Ways and Means General Fund Reported
Substitute for SB332**

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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 current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 11-43-144, 36-30-40, and 36-40-41, 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 herein~~ unless a contrary meaning is indicated by the context:

(1) BENEFIT. Any monetary allowance payable by a city or from a pension system established for the ~~firemen~~firefighters of a 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



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29 payable under a pension law of the state or under some other
30 law of the state.

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

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

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

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

40 a. Hypertension.

41 b. Heart disease.

42 c. Respiratory disease.

43 d. Cancer that manifests itself in a firefighter during
44 the period in which the firefighter is in the service of the
45 city, ~~provided if~~ the firefighter demonstrates that he or she
46 was exposed, while ~~in the employ of~~employed by the city, to a
47 known carcinogen that is reasonably linked to the disabling
48 cancer, ~~and~~in which case the cancer shall be presumed to arise
49 out of and in the course of the firefighter's employment,
50 ~~unless the city demonstrates by a preponderance of the~~
51 ~~evidence that the cancer was caused by some other means.~~

52 e. ~~AIDS~~HIV that manifests itself in a firefighter
53 during the period in which the firefighter is ~~in the service~~
54 ~~of~~employed by the city, ~~provided if~~ the firefighter
55 demonstrates that he or she was exposed to ~~AIDS~~HIV while in
56 the line and scope of his or her employment with the city.



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57 f. Hepatitis that manifests itself in a firefighter
58 during the period in which the firefighter is in the service
59 of the city, ~~provided~~ if the firefighter demonstrates that he
60 or she was exposed to hepatitis while in the line and scope of
61 his or her employment with the city.

62 g. Parkinson's disease that manifests itself in a
63 firefighter during the period in which the firefighter is in
64 the service of the city if the firefighter demonstrates that
65 he or she, while employed by the city, was exposed to a known
66 toxin that is associated with an increased risk of Parkinson's
67 disease, in which case the Parkinson's disease shall be
68 presumed to arise out of and in the course of the
69 firefighter's employment.

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

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

81 (c) (1) If a firefighter who ~~qualifies~~ is eligible for
82 benefits under this section suffers disability as a result of
83 a firefighter's occupational disease, his or her disability
84 shall be ~~compensable the same as any service-connected~~



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85 ~~disability~~compensated under any law that provides benefits for
 86 firefighters of the city who are injured in the line of duty.
 87 If a firefighter, who qualifies for benefits under this
 88 section, dies as the result of a firefighter's occupational
 89 disease, his or her death shall be ~~compensable to the same~~
 90 ~~extent as the death of a~~compensated the same as that of a
 91 firefighter killed in the line of duty, ~~and shall be~~
 92 ~~considered to have been killed in the line of duty for~~
 93 ~~purposes of Sections 36-30-1 to 36-30-7, inclusive~~ pursuant to
 94 Article 1 of Chapter 30 of Title 36. However, benefits for a
 95 firefighter who is eligible for workers' compensation pursuant
 96 to Chapter 5 of Title 25 or a firefighter who is eligible for
 97 any benefits under the State Employee Injury Compensation
 98 Trust Fund pursuant to Chapter 29A of Title 36 shall be
 99 governed solely by those provisions.

100 (2) Notwithstanding subdivision (1), a firefighter who
 101 dies of cancer, as provided in paragraph (a)(5)d., within 10
 102 years of the firefighter's last date of employment shall be
 103 considered to have been killed in the line of duty for
 104 purposes of ~~Sections 36-30-1 to 36-30-7, inclusive~~Article 1 of
 105 Chapter 30 of Title 36.

106 (d) In the case of ~~cancer, heart disease, hypertension,~~
 107 ~~and respiratory disease, the~~ a firefighter's occupational
 108 disease as defined in this section, the city must prove by a
 109 preponderance of the evidence that the condition was caused by
 110 some means other than the occupation to disqualify the
 111 firefighter from benefits."

112 "§36-30-40



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

115 (1) BENEFIT. Any monetary allowance payable by the
116 state for a firefighter on account of his or her disability or
117 to his or her dependents on account of his or her death,
118 irrespective of whether the same is payable under a pension
119 law of the state or under some other law of the state.

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

123 (3) FIREFIGHTER. A person employed as a firefighter by
124 the state.

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

127 a. Hypertension.

128 b. Heart disease.

129 c. Respiratory disease.

130 d. Cancer ~~which~~that manifests itself in a firefighter
131 during the period in which the firefighter is in the service
132 of the state, ~~provided if~~ employed by the state, was
133 or she, while ~~in the employ of~~ employed by the state, was
134 exposed to a known carcinogen ~~which~~that is reasonably linked
135 to the disabling cancer, ~~and in which case~~ and in which case the cancer shall be
136 presumed to arise out of and in the course of the
137 firefighter's employment ~~unless the state demonstrates by a~~
138 ~~preponderance of the evidence that the cancer was caused by~~
139 ~~some other means.~~

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



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141 during the period in which the firefighter is ~~in the service~~
142 ~~of~~employed by the state, ~~provided if~~ the firefighter
143 demonstrates ~~by sufficient evidence~~ that he or she was exposed
144 to HIV while in the line and scope of his or her employment
145 with the state.

146 f. Hepatitis ~~which that~~ manifests itself in a
147 firefighter during the period in which the firefighter is in
148 the service of the state, ~~provided if~~ the firefighter
149 demonstrates that he or she was exposed to hepatitis while in
150 the line and scope of his or her employment with the state.

151 g. Parkinson's disease that manifests itself in a
152 firefighter during the period in which the firefighter is in
153 the service of the state if the firefighter demonstrates that
154 he or she, while employed by the state, was exposed to a known
155 toxin that is associated with an increased risk of Parkinson's
156 disease, in which case the Parkinson's disease shall be
157 presumed to arise out of and in the course of the
158 firefighter's employment."

159 "§36-30-41

160 (a) This article shall apply to firefighters who, upon
161 entering the service of the state as firefighters, have
162 successfully passed a physical examination ~~which that~~ failed to
163 reveal any evidence of a firefighter's occupational disease
164 and who have completed at least three years' service as
165 firefighters. If a physical examination was not required at
166 the time of entry into service, a firefighter who completes an
167 exam by January 1, 2013, shall be deemed eligible for benefits
168 under this section.



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169 (b) If a firefighter who ~~qualifies~~is eligible for
170 benefits under Chapter 29A, or any other law, suffers
171 disability as a result of a firefighter's occupational
172 disease, his or her disability shall be ~~compensable the same~~
173 ~~as any service-connected disability~~compensated under any law
174 ~~which~~that provides benefits for firefighters of the state who
175 are injured in the line of duty. If a firefighter who
176 qualifies for benefits under this section dies as the result
177 of a firefighter's occupational disease, his or her death
178 shall be ~~compensable to the same extent as the death of a~~
179 ~~firefighter killed in the line of duty, and the firefighter~~
180 ~~shall be considered to have~~compensated as if the firefighter
181 had been killed in the line of duty ~~for purposes of Sections~~
182 ~~36-30-1 to 36-30-7, inclusive~~pursuant to Article 1. However,
183 benefits for a firefighter who is eligible for workers'
184 compensation pursuant to Chapter 5 of Title 25 or a
185 firefighter who is eligible for any benefits under the State
186 Employee Injury Compensation Trust Fund pursuant to Chapter
187 29A of Title 36 shall be governed solely by those provisions.

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

193 Section 2. This act shall become effective on October
194 1, 2026.