SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 31(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/5/06
Referred: Finance


A BILL

FOR AN ACT ENTITLED

"An Act relating to the presumption of coverage for a workers' compensation claim for disability as a result of certain diseases for certain occupations."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 23.30 is amended by adding a new section to read:

Sec. 23.30.121. Presumption of coverage for disability from diseases for certain occupations. (a) There is a presumption that a claim for compensation for disability as a result of the diseases described in (b) and (c) of this section for the occupations listed under (b) and (c) of this section are within the provisions of this chapter. This presumption of coverage may be rebutted by a preponderance of the evidence. The evidence may include the use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(b) For a fire fighter covered under AS 23.30.243,

(1) there is a presumption that a claim for compensation for disability
as a result of the following diseases is within the provisions of this chapter:

(A) respiratory disease;

(B) cardiovascular events that are experienced within 72 hours after exposure to smoke, fumes, or toxic substances; and

(C) the following cancers:

(i) primary brain cancer;

(ii) malignant melanoma;

(iii) leukemia;

(iv) non-Hodgkin's lymphoma;

(v) bladder cancer;

(vi) ureter cancer; and

(vii) kidney cancer;

(2) notwithstanding AS 23.30.100(a), following termination of service, the presumption established in (1) of this subsection extend to the fire fighter for a period of three calendar months for each year of requisite service but may not extend more than 60 calendar months following the last date of employment;

(3) the presumption established in (1) of this subsection applies only to an active or former fire fighter who has a disease described in (1) of this subsection that develops or manifests itself after the fire fighter has served at least 10 years and who

(A) was given a qualifying medical examination upon becoming a fire fighter or during employment as a fire fighter that did not show evidence of the disease; and

(B) with regard to diseases described in (1)(C) of this section, demonstrates that the fire fighter was, while in the course of employment as a fire fighter, exposed to a known carcinogen, as defined by the International Agency for Research on Cancer or the National Toxicology Program, and the carcinogen is associated with a disabling cancer.

(c) The presumption in this subsection applies to fire fighters covered under AS 23.30.243, peace officers, and emergency medical and rescue personnel. In this subsection, "emergency medical and rescue personnel" means a trauma technician,
emergency medical technician, rescuer, or mobile intensive care paramedic who is a
paid employee of a first responder service, a rescue service, an ambulance service, or a
fire department that provides emergency medical or rescue services as part of its
duties;

(1) under this subsection, there is a presumption that a claim for
compensation for disability as a result of the following contagious diseases is within
the provisions of this chapter:

(A) human immunodeficiency virus;
(B) acquired immunodeficiency syndrome;
(C) all strains of hepatitis;
(D) meningococcal meningitis; and
(E) mycobacterium tuberculosis;

(2) the presumption established in (1) of this subsection applies only to
fire fighters covered under AS 23.30.243, peace officers, and emergency medical and
rescue personnel who were given a qualifying medical examination upon becoming a
fire fighter, peace officer, or emergency medical or rescue personnel who did not show
evidence of the disease.

(d) The provisions of (b)(1)(A) and (B) of this section do not apply to a fire
fighter who develops a cardiovascular or lung condition and who has a history of
tobacco product use as established under (e)(2) of this section.

(e) The department shall, by regulation, define

(1) for purposes of (b)(1) - (3) and (c)(1) - (2) of this section, the type
and extent of the medical examination that is needed to eliminate evidence of the
disease in an active or former fire fighter; and

(2) for purposes of (d) of this section, the nature and quantity of a
person's tobacco product use; the standards adopted under this paragraph shall use or
be based on existing medical research.

(f) In this section, "fire fighter" has the meaning given in AS 09.65.295.

* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
read:

APPLICABILITY. The presumption of coverage established by this Act applies to
claims made on or after the effective date of this Act, even if the exposure leading to the occupational disease occurred before the effective date of this Act.