

**HOUSE BILL NO. 31**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE ANDERSON, Lynn, Gatto**

**Introduced: 1/10/05**

**Referred: Labor and Commerce, Health, Education and Social Services, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

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

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

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

14 (1) there is a presumption that a claim for compensation for disability

1 as a result of the following diseases is within the provisions of this chapter:

2 (A) respiratory disease;

3 (B) heart problems that are experienced within 72 hours after  
4 exposure to smoke, fumes, or toxic substances; and

5 (C) the following cancers:

6 (i) primary brain cancer;

7 (ii) malignant melanoma;

8 (iii) leukemia;

9 (iv) non-Hodgkin's lymphoma;

10 (v) bladder cancer;

11 (vi) ureter cancer; and

12 (vii) kidney cancer;

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

17 (3) the presumption established in (1)(C) of this subsection applies  
18 only to an active or former fire fighter who has cancer that develops or manifests itself  
19 after the fire fighter has served at least 10 years and who was given a qualifying  
20 medical examination upon becoming a fire fighter or during employment as a fire  
21 fighter that did not show evidence of cancer.

22 (c) For an employee in an occupation involving exposure to human blood or  
23 bodily fluids, there is a presumption that a claim for compensation for disability as a  
24 result of the following contagious diseases is within the provisions of this chapter:

25 (1) human immunodeficiency virus;

26 (2) acquired immunodeficiency syndrome;

27 (3) all strains of hepatitis;

28 (4) meningococcal meningitis; and

29 (5) mycobacterium tuberculosis.

30 (d) The provisions of (b)(1) of this section do not apply to a fire fighter who  
31 develops a heart or lung condition and who has a history of tobacco product use as

1 established under (e)(2) of this section.

2 (e) The department shall, by regulation, define

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

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

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

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