

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

Sponsor(s): REPRESENTATIVES ANDERSON, Lynn, Gatto, Croft, Stoltze, Hawker, Kapsner, Elkins, Ramras, Crawford, Gara, Neuman, Berkowitz, LeDoux, McGuire, Meyer, Gardner, Kerttula, Guttenberg, Rokeberg, Cissna

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) cardiovascular events that are experienced within 72 hours
4 after 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) notwithstanding AS 23.30.100(a), following termination of service,
14 the presumption established in (1) of this subsection extend to the fire fighter for a
15 period of three calendar months for each year of requisite service but may not extend
16 more than 60 calendar months following the last date of employment;

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

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

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

29 (c) The presumption in this subsection applies to fire fighters covered under
30 AS 23.30.243, peace officers, and emergency medical and rescue personnel. In this
31 subsection, "emergency medical and rescue personnel" means a trauma technician,

1 emergency medical technician, rescuer, or mobile intensive care paramedic who is a
 2 paid employee of a first responder service, a rescue service, an ambulance service, or a
 3 fire department that provides emergency medical or rescue services as part of its
 4 duties;

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

8 (A) human immunodeficiency virus;

9 (B) acquired immunodeficiency syndrome;

10 (C) all strains of hepatitis;

11 (D) meningococcal meningitis; and

12 (E) mycobacterium tuberculosis;

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

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

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

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

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

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

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

31 **APPLICABILITY.** The presumption of coverage established by this Act applies to

- 1 claims made on or after the effective date of this Act, even if the exposure leading to the
- 2 occupational disease occurred before the effective date of this Act.