

**HOUSE BILL NO. 200**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES DAHLSTROM, Doll, Buch, Kerttula, Crawford, Gatto, Lynn, Hawker, Holmes,  
Johnson, LeDoux, Ramras, Roses, Gruenberg, Stoltze, Gardner

Introduced: 3/14/07

Referred: Labor and Commerce, Judiciary

**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 is 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;

12 (vii) kidney cancer; and

13 (viii) prostate cancer;

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

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

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

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

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

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

6 (1) there is a presumption that a claim for compensation for disability  
 7 as a result of the following contagious diseases is within 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;

12 (E) mycobacterium tuberculosis; and

13 (F) any uncommon infectious disease the contraction of which  
 14 the United States Secretary of Labor determines to be related to the hazards to  
 15 which an employee in fire protection activities may be subject.

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

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

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

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

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

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

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

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