

CS FOR SENATE BILL NO. 103(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/8/11

Referred: Finance

Sponsor(s): SENATE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act amending the medical examination requirements for firefighters entitled to a**
2 **presumption of compensability for a disability resulting from certain diseases."**

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

4 *** Section 1.** AS 23.30.121(b) is amended to read:

5 (b) For a firefighter covered under AS 23.30.243,

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

8 (A) respiratory disease;

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

11 (C) the following cancers:

12 (i) primary brain cancer;

13 (ii) malignant melanoma;

14 (iii) leukemia;

- 1 (iv) non-Hodgkin's lymphoma;
 2 (v) bladder cancer;
 3 (vi) ureter cancer;
 4 (vii) kidney cancer; and
 5 (viii) prostate cancer;

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

10 (3) the presumption established in (1) of this subsection applies only to
 11 an active or former firefighter who has a disease described in (1) of this subsection
 12 that develops or manifests itself after the firefighter has served in the state for at least
 13 seven years and who

14 (A) was given a qualifying medical examination upon
 15 becoming a firefighter that did not show evidence of the disease;

16 (B) was given an annual medical exam during each of the first
 17 seven years of employment that did not show evidence of the disease; and

18 (C) with regard to diseases described in (1)(C) of this
 19 subsection, demonstrates that, while in the course of employment as a
 20 firefighter, the firefighter was exposed to a known carcinogen, as defined by
 21 the International Agency for Research on Cancer or the National Toxicology
 22 Program, and the carcinogen is associated with a disabling cancer;

23 **(4) notwithstanding (3)(A) and (B) of this subsection, a firefighter**
 24 **who entered active service as a firefighter before August 19, 2008, is entitled to**
 25 **the presumption set out in this section if, before August 19, 2008, the firefighter**
 26 **received all medical examinations provided by the department employing the**
 27 **firefighter and the examinations did not show evidence of the disease during the**
 28 **first seven years of employment.**

29 * Sec. 2. AS 23.30.121(f) is amended to read:

30 (f) In this section, "firefighter" **means a person employed by a state or**
 31 **municipal fire department or who is a member of a volunteer fire department**

1 registered with the state fire marshal, or a person registered for purposes of
2 workers' compensation with the state fire marshal as a member of a volunteer
3 fire department [HAS THE MEANING GIVEN IN AS 09.65.295].

4 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 APPLICABILITY. The presumption of coverage established by this Act applies to
7 claims made on or after the effective date of this Act.