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Referred: State Affairs, Health,
Education & Social Services and
Finance

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AND COTTEN

1 IN THE HOUSE

2 HOUSE BILL NO. 663

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to reports concerning veterans who may
7 have been exposed to certain chemical defoliants or
8 herbicides or other causative agents, including Agent
9 Orange, and to assistance to those veterans."

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

11 * Section 1. AS 18 is amended by adding a new chapter to read:

12 CHAPTER 17. VETERANS EXPOSED TO CHEMICAL AGENTS.

13 Sec. 18.17.010. REPORTS TO THE DEPARTMENT. (a) A physician who
14 has primary responsibility for treating a veteran who may have been
15 exposed to a chemical defoliant or herbicide or other causative agent,
16 including Agent Orange, while serving in the armed forces of the United
17 States, shall, at the request of the veteran, submit a report to the
18 Department of Health and Social Services, on a form provided by the
19 department. If there is no physician having primary responsibility for
20 treating the veteran, the hospital treating the veteran shall, at the
21 request of the veteran, submit the report to the department.

22 (b) The form provided by the department to the physician or hos-
23 pital shall request the following information:

24 (1) the symptoms of the veteran that may be related to ex-
25 posure to a chemical defoliant or herbicide or other causative agent,
26 including Agent Orange;

27 (2) the diagnosis of the veteran; and

28 (3) the method of treatment prescribed.

29 (c) The department may require the veteran to provide other perti-

1 nent information.

2 Sec. 18.17.020. REPORTS BY THE DEPARTMENT. (a) The department
3 shall compile and evaluate information submitted in accordance with
4 AS 18.17.010 into a report to be distributed annually to members of the
5 legislature and to the federal Veterans' Administration and other
6 veterans' groups. The report shall contain current research findings on
7 the effects of exposure to chemical defoliants or herbicides or other
8 causative agents, including Agent Orange, and statistical information
9 compiled from reports submitted by physicians or hospitals.

10 (b) The department shall conduct epidemiological studies on veter-
11 ans who have cancer or other medical problems associated with exposure
12 to a chemical defoliant or herbicide or other causative agent, including
13 Agent Orange, or who have children born with birth defects after the
14 veterans' suspected exposure to a chemical defoliant or herbicide or
15 other causative agent, including Agent Orange. The department must
16 obtain consent from each veteran to be studied under this subsection.
17 The department shall evaluate information obtained from these studies
18 and compile a report to be distributed as provided by (a) of this sec-
19 tion.

20 Sec. 18.17.030. CONFIDENTIALITY. The identity of a veteran about
21 whom a report has been made under AS 18.17.010 or 18.17.020 may not be
22 disclosed unless the veteran consents to the disclosure. Statistical
23 information collected under this chapter is public information.

24 Sec. 18.17.040. IMMUNITY FROM LIABILITY. A physician or a hospita
25 subject to this chapter who complies with this chapter may not be held
26 civilly or criminally liable for providing the information required by
27 this chapter.

28 Sec. 18.17.050. CLASS ACTION REPRESENTATION BY ATTORNEY GENERAL.
29 The attorney general may represent a class of individuals composed of

1 veterans who may have been injured because of contact with a chemical
2 defoliant or herbicide or other causative agent, including Agent Orange,
3 in a suit for release of information relating to exposure to those
4 chemicals during military service and for release of individual medical
5 records.

6 Sec. 18.17.060. ASSISTANCE PROGRAMS. (a) The department shall
7 institute a program

8 (1) to refer veterans to appropriate state and federal agen-
9 cies for the purpose of filing claims to remedy medical and financial
10 problems caused by the veterans' exposure to chemical defoliants or
11 herbicides or other causative agents, including Agent Orange; and

12 (2) to provide veterans with fat tissue biopsies, genetic
13 counseling, and genetic screening to determine if a veteran has suffered
14 physical damage as a result of substantial exposure to a chemical defoli-
15 ant or herbicide or other causative agent, including Agent Orange.

16 (b) The commissioner of health and social services shall adopt
17 regulations necessary for the administration of the programs authorized
18 by this section.

19 Sec. 18.17.070. APPLICATION. AS 18.17.010 and 18.17.020 apply to
20 all cases of veterans treated on or after January 1, 1982, for symptoms
21 typical of a person who has been exposed to a chemical defoliant or
22 herbicide or other causative agent, including Agent Orange. AS 18.17.-
23 050 and 18.17.060 apply to all veterans.

24 Sec. 18.17.080. TERMINATION OF PROGRAMS AND DUTIES. If the com-
25 missioner of health and social services determines that an agency of the
26 federal government is performing the referral and screening functions
27 required by AS 18.17.060, the commissioner may discontinue a program
28 required by AS 18.17.060 or a duty required of a physician or hospital
29 under this chapter.

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Sec. 18.17.090. DEFINITIONS. In this chapter

(1) "Agent Orange" means the herbicide composed primarily of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid;

(2) "department" means the Department of Health and Social Services;

(3) "veteran" means a person who was a resident of the state at the time of his induction into the armed forces of the United States, or was a resident of the state as of January 1, 1982, who served in Vietnam, Cambodia, or Laos during the Vietnam conflict.