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1 IN THE HOUSE

2 SPONSOR SUBSTITUTE FOR 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 biological or radiologic warfare
8 or to certain chemical defoliants or herbicides or
9 other causative agents, including Agent Orange, and to
10 assistance to those veterans."

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

12 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that there are
13 probable grounds for providing relief for certain classes of veterans for
14 injuries received from exposure to toxic substances used by the U.S. military
15 for experimental and unconventional warfare programs. Those classes of
16 veterans include veterans exposed to

17 (1) any of a class of phenoxy-herbicides used in Southeast Asia
18 during the Vietnam conflict;

19 (2) radiation during the period of above-ground nuclear weapons
20 testing during the years 1941 - 1961; and

21 (3) chemical and biological agents during the periods 1955 - 1969.

22 * Sec. 2. AS 18 is amended by adding a new chapter to read:

23 CHAPTER 17. VETERANS EXPOSED TO CHEMICAL AGENTS

24 OR BIOLOGICAL OR RADIOLOGIC WARFARE.

25 Sec. 18.17.010. REPORTS TO THE DEPARTMENT. (a) A physician who,
26 after December 31, 1981, has primary responsibility for treating a
27 veteran who may have been exposed to biological or radiologic warfare or
28 to a chemical defoliant or herbicide or other causative agent, including
29 Agent Orange, while serving in the armed forces of the United States,

1 shall, at the request of the veteran, submit a report to the Department
2 of Health and Social Services, on a form provided by the department. If
3 there is no physician having primary responsibility for treating the
4 veteran, the hospital treating the veteran shall, at the request of the
5 veteran, submit the report to the department.

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

8 (1) the symptoms of the veteran that may be related to ex-
9 posure to biological or radiologic warfare or to a chemical defoliant or
10 herbicide or other causative agent, including Agent Orange;

11 (2) the diagnosis of the veteran; and

12 (3) the method of treatment prescribed.

13 (c) The department may require the veteran to provide other perti-
14 nent information.

15 Sec. 18.17.020. REPORTS BY THE DEPARTMENT. (a) The department
16 shall compile and evaluate information submitted in accordance with
17 AS 18.17.010 into a report to be distributed annually to members of the
18 legislature and to the federal Veterans' Administration and other veter-
19 ans' groups. The report shall contain current research findings on the
20 effects of exposure to biological or radiologic warfare or to chemical
21 defoliants or herbicides or other causative agents, including Agent
22 Orange, and statistical information compiled from reports submitted by
23 physicians or hospitals.

24 (b) The department shall conduct epidemiological studies on veter-
25 ans who have cancer or other medical problems associated with exposure
26 to biological or radiologic warfare or to a chemical defoliant or herbi-
27 cide or other causative agent, including Agent Orange, or who have
28 children born with birth defects after the veterans' suspected exposure
29 to that warfare or those chemicals or other causative agent, including

1 Agent Orange. The department must obtain consent from each veteran to
2 be studied under this subsection. The department shall evaluate infor-
3 mation obtained from these studies and compile a report to be distributed
4 as provided by (a) of this section.

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

9 Sec. 18.17.040. IMMUNITY FROM LIABILITY. A physician or a hospital
10 subject to this chapter who complies with this chapter may not be held
11 civilly or criminally liable for providing the information required by
12 this chapter.

13 Sec. 18.17.050. CLASS ACTION REPRESENTATION BY ATTORNEY GENERAL.
14 The attorney general may represent a class of individuals composed of
15 veterans who may have been injured because of exposure to biological or
16 radiologic warfare or contact with a chemical defoliant or herbicide or
17 other causative agent, including Agent Orange, in a suit for release of
18 information relating to exposure to that warfare or those chemicals dur-
19 ing military service and for release of individual medical records.

20 Sec. 18.17.060. ASSISTANCE PROGRAMS. (a) Unless the commissioner
21 makes a written finding that it would be duplicative of services provided
22 by an agency of the federal government, the department shall provide a
23 program

24 (1) to refer veterans to appropriate state and federal agen-
25 cies for the purpose of filing claims to remedy medical and financial
26 problems caused by the veterans' exposure to biological or radiologic
27 warfare or to chemical defoliants or herbicides or other causative
28 agents, including Agent Orange;

29 (2) to afford veterans fat tissue biopsies, genetic counsel-

1 ing, and genetic screening to determine if a veteran has suffered physi-
2 cal damage as a result of substantial exposure to biological or radio-
3 logic warfare or to a chemical defoliant or herbicide or other causative
4 agent, including Agent Orange; and

5 (3) to offer the children of veterans genetic screening.

6 (b) The commissioner shall adopt regulations necessary for the
7 administration of the programs authorized by this section.

8 Sec. 18.17.100. DEFINITIONS. In this chapter

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

11 (2) "commissioner" means the commissioner of health and
12 social services;

13 (3) "department" means the Department of Health and Social
14 Services;

15 (4) "veteran" means a person who was a resident of the state
16 at the time of his induction into the armed forces of the United States,
17 or was a resident of the state as of January 1, 1982, who served in
18 Vietnam, Cambodia, Laos, or Thailand, or waters contiguous to those
19 countries, during the Vietnam conflict.
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