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1 IN THE SENATE

2 SENATE BILL NO. 463

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to veterans exposed to radiation  
7 from above-ground nuclear weapons testing or to a  
8 biological or chemical agent, including Agent  
9 Orange."

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 OR

13 BIOLOGICAL AGENTS OR RADIATION.

14 Sec. 18.17.010. REPORTS TO THE DEPARTMENT. (a) A physician  
15 who, after December 31, 1984, has primary responsibility for treating  
16 a veteran who may have been exposed to radiation from above-ground  
17 nuclear weapons testing or to a biological or chemical agent, includ-  
18 ing Agent Orange, while serving in the armed forces of the United  
19 States, shall, at the request of the veteran, submit a report to the  
20 department on a form provided by the department. If no physician has  
21 primary responsibility for treating the veteran, the hospital treating  
22 the veteran shall, at the request of the veteran, submit the report to  
23 the department.

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

26 (1) the symptoms of the veteran that may be related to ex-  
27 posure to radiation from above-ground nuclear weapons testing or to a  
28 biological or chemical agent, including Agent Orange;

29 (2) the diagnosis of the veteran; and

1 (3) the method of treatment prescribed.

2 (c) The department may require the veteran to provide other  
3 pertinent information.

4 Sec. 18.17.020. REPORTS BY THE DEPARTMENT. The department shall  
5 compile and evaluate information submitted in accordance with AS 18.-  
6 17.010 in an annual report to be distributed to members of the legis-  
7 lature and to the Veterans' Administration and veterans' groups. The  
8 report shall contain current research findings on the effects of  
9 exposure to radiation from above-ground nuclear weapons testing or to  
10 a biological or chemical agent, including Agent Orange, and statis-  
11 tical information compiled from reports submitted by physicians or  
12 hospitals.

13 Sec. 18.17.030. CONFIDENTIALITY. The identity of a veteran  
14 about whom a report has been made under AS 18.17.010 or 18.17.020 may  
15 not be disclosed unless the veteran consents to the disclosure.  
16 Statistical information collected under this chapter is public infor-  
17 mation.

18 Sec. 18.17.040. IMMUNITY FROM LIABILITY. A physician or a  
19 hospital that is subject to this chapter and that complies with this  
20 chapter may not be held civilly or criminally liable for providing the  
21 information required under this chapter.

22 Sec. 18.17.050. CLASS ACTION REPRESENTATION BY ATTORNEY GENERAL.  
23 The attorney general may represent a class of individuals composed of  
24 veterans who may have been injured by exposure to radiation from  
25 above-ground nuclear weapons testing or to a biological or chemical  
26 agent, including Agent Orange, in a suit for release of information  
27 relating to exposure to that warfare or chemical during military  
28 service and for release of individual medical records.

29 Sec. 18.17.060. ASSISTANCE PROGRAMS. (a) Unless the commis-

1           sioner makes a written finding that it would be duplicative of ser-  
2           vices provided by an agency of the federal government, the department  
3           shall establish a program to refer veterans to appropriate state and  
4           federal agencies for the purpose of filing claims to remedy medical  
5           and financial problems caused by the veterans' exposure to radiation  
6           from above-ground nuclear weapons testing or to a biological or chemi-  
7           cal agent, including Agent Orange.

8           (b) The commissioner shall adopt regulations necessary for the  
9           administration of the program required by this section.

10           Sec. 18.17.100. DEFINITIONS. In this chapter

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

13           (2) "commissioner" means the commissioner of health and  
14           social services;

15           (3) "department" means the Department of Health and Social  
16           Services;

17           (4) "veteran" means a person who was a resident of the  
18           state at the time of induction into the armed forces of the United  
19           States or on or before January 1, 1984.  
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