



LAWS OF ALASKA

2008

Source
CSHB 200(FIN)

Chapter No.

AN ACT

Relating to the presumption of coverage for a workers' compensation claim for disability as a result of certain diseases for certain fire fighters.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to the presumption of coverage for a workers' compensation claim for disability as a
2 result of certain diseases for certain fire fighters.

3 _____

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 fire fighters.** (a) There is a presumption that a claim for compensation for
7 disability as a result of the diseases described in (b) of this section for the occupations
8 listed under (b) of this section is within the provisions of this chapter. This
9 presumption of coverage may be rebutted by a preponderance of the evidence. The
10 evidence may include the use of tobacco products, physical fitness and weight,
11 lifestyle, hereditary factors, and exposure from other employment or nonemployment
12 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 in the state for at least
21 seven years and who

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

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

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

31 (c) The presumption set out in this section applies only to a fire fighter who, at

1 a minimum, holds a certificate as a Firefighter I by the Department of Public Safety
2 under fire fighter testing and certification standards established by the department
3 under authority of AS 18.70.350(1) or other applicable statutory authority.

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

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

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

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

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

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

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