SB214

W8CT999-1

By Senator Hovey

RFD: Finance and Taxation General Fund

First Read: 06-Mar-24

SYNOPSIS:

Existing law provides compensation for paid firefighters who contract cancer on the job, but makes no similar provision for volunteer firefighters.

This bill would provide compensation to the survivors of a volunteer firefighter who dies of work-related cancer by making them eligible for the death benefit awarded by the State Board of Adjustment for first responders who die in the line of duty.

A BILL

TO BE ENTITLED

AN ACT

Relating to volunteer firefighters; to provide compensation to beneficiaries or dependents of active volunteer firefighters who die of cancer through the existing line of duty death benefit under Article 1, Chapter 30, Title 36, Code of Alabama 1975; to provide for circumstances qualifying for the claim and a standard of proof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms have the following meanings:

(1) CANCER. Includes bladder, blood, brain, breast,

cervical, esophageal, intestinal, kidney, lymphatic, lung, prostate, rectum, respiratory tract, skin, testicular, and thyroid cancer, leukemia, multiple myeloma, Hodgkin's lymphoma, and non-Hodgkin's lymphoma.

(2) VOLUNTEER FIREFIGHTER. An individual who has been certified as a volunteer fire fighter through the Alabama Firefighters' Personnel Standards and Education Commission or who has received an equivalent certification to qualify as a volunteer firefighter before residing in this state.

(b) The death of a volunteer firefighter resulting from cancer may be compensable as a death in the line of duty under Article 1, Chapter 30, Title 36, Code of Alabama 1975, if all of the following facts and circumstances are presented with a claim for compensation made by or on behalf of a beneficiary or dependent in the manner prescribed by the State Board of Adjustment:

(1) The firefighter passed a physical examination before initial certification as a volunteer firefighter which failed to reveal any evidence of cancer.

(2) The firefighter had no less than six years of service as a firefighter before receiving a diagnosis of cancer.

(3) The firefighter was an active member of a volunteer fire department as recognized by the Alabama Forestry Commission or was an active volunteer member of a combination paid and volunteer fire department in this state at the time of the onset of the symptoms that led to a diagnosis of cancer.

(4) The department for which the firefighter volunteered maintains a record indicating that the fire suppression events in which the firefighter participated exposed the firefighter to a known carcinogen.

(c)(1) The provisions of Article 1, Chapter 30, Title 36, Code of Alabama 1975, shall govern any claim for compensation arising from this section.

(2) If a known carcinogen to which a volunteer firefighter was exposed while in the line of duty is reasonably linked to the type of cancer that resulted in the death of the firefighter, the cancer shall be presumed to arise out of and in the course of the firefighter's volunteer service, unless the state demonstrates by a preponderance of the evidence that the cancer was caused by some other means.

(d) Where any provision of this section may be in conflict with any provision of Article 1, Chapter 30, Title 36, Code of Alabama 1975, the provision of this section will be given effect.

Section 2. This act shall become effective on October 1, 2024.