

REFERENCE TITLE: workers' compensation; occupational disease; presumption

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2117

Introduced by
Representative Payne

AN ACT

AMENDING SECTION 23-901.09, ARIZONA REVISED STATUTES; RELATING TO WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-901.09, Arizona Revised Statutes, is amended
3 to read:

4 23-901.09. Presumption; cancers; firefighters and fire
5 investigators; applicability; definitions

6 A. Notwithstanding section 23-901.01, subsection A and section
7 23-1043.01:

8 1. Any disease, infirmity or impairment of a firefighter's or fire
9 investigator's health that is caused by brain, bladder, rectal or colon
10 cancer, lymphoma, leukemia or adenocarcinoma or mesothelioma of the
11 respiratory tract and that results in disability or death is presumed to
12 be an occupational disease as defined in section 23-901, paragraph 13,
13 subdivision (c) and is deemed to arise out of employment.

14 2. Any disease, infirmity or impairment of a firefighter's or fire
15 investigator's health that is caused by buccal cavity, pharynx, esophagus,
16 large intestine, lung, kidney, prostate, skin, stomach, ovarian, breast or
17 testicular cancer or non-Hodgkin's lymphoma, multiple myeloma or malignant
18 melanoma and that results in disability or death is presumed to be an
19 occupational disease as defined in section 23-901, paragraph 13,
20 subdivision (c) and is deemed to arise out of employment.

21 B. The presumptions provided in subsection A of this section are
22 granted if all of the following apply:

23 1. The firefighter or fire investigator passed a physical
24 examination before employment and the examination did not ~~indicate~~
25 ~~evidence of~~ **RESULT IN A** cancer **DIAGNOSIS**.

26 2. The firefighter or fire investigator was assigned to hazardous
27 duty for at least five years.

28 3. For the presumption provided in subsection A, paragraph 2 of
29 this section and for firefighters only, the firefighter received a
30 physical examination that is reasonably aligned with the national fire
31 protection association standard on comprehensive occupational medical
32 program for fire departments (NFPA 1582).

33 C. Subsection A of this section applies to both of the following:

34 1. Firefighters or fire investigators currently in service.

35 2. Former firefighters or fire investigators who are sixty-five
36 years of age or younger and who are diagnosed with a cancer that is listed
37 in subsection A of this section not more than fifteen years after the
38 firefighter's or fire investigator's last date of employment as a
39 firefighter or fire investigator.

40 D. Subsection A of this section does not apply to cancers of the
41 respiratory tract if there is evidence that the firefighter's or fire
42 investigator's exposure to cigarettes or tobacco products outside of the
43 scope of the firefighter's or fire investigator's official duties is a
44 substantial contributing cause in the development of the cancer.

1 E. The presumption provided in subsection A of this section may be
2 rebutted by clear and convincing evidence that there is a specific cause
3 of the cancer other than an occupational exposure to a carcinogen as
4 defined by the international agency for research on cancer.

5 F. For the purposes of this section:

6 1. "Firefighter" means a full-time firefighter who was regularly
7 assigned to hazardous duty.

8 2. "Fire investigator" means a person who is employed full time by
9 a municipality or fire district and who is trained in the process of and
10 responsible for determining the origin, cause and development of a fire or
11 explosion.

12 Sec. 2. Legislative intent

13 The legislature intends that reoccurring cancers are eligible for
14 coverage under section 23-901.09, Arizona Revised Statutes, as amended by
15 this act.