

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1144

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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 be
12 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:

1 1. The firefighter or fire investigator passed a physical
2 examination before employment and the examination did not indicate evidence
3 of cancer.

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

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

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

12 1. Firefighters or fire investigators currently in service.

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

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

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

27 F. THE PRESUMPTION PROVIDED IN SUBSECTION A OF THIS SECTION APPLIES
28 TO THE REOCCURRENCE OF A PREVIOUSLY DIAGNOSED CANCER THAT IS LISTED IN
29 SUBSECTION A OF THIS SECTION IF THE INITIAL DIAGNOSIS MET THE REQUIREMENTS
30 IN SUBSECTION B, PARAGRAPH 1 OR 3 OR SUBSECTION C OF THIS SECTION.

31 ~~F.~~ G. For the purposes of this section:

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

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

7 Sec. 2. Legislative intent

8 The legislature intends that reoccurring cancers that were originally
9 eligible for coverage be eligible for coverage under section 23-901.09,
10 Arizona Revised Statutes, as amended by this act."

11 Amend title to conform

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