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## A BILL FOR AN ACT

RELATING TO FIREFIGHTERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the risk of being  
2 diagnosed with cancer is higher among firefighters than the  
3 general population. In a three-year study completed in 2005 by  
4 the University of Cincinnati, researchers concluded that  
5 firefighters face a higher risk of cancer than the general  
6 population. Statistics from this study show that when compared  
7 to the general population, the risk for firefighters is:

- 8           (1) One hundred two per cent higher for testicular cancer;  
9           (2) Fifty-three per cent higher for multiple myeloma;  
10          (3) Fifty-one per cent higher for non-Hodgkin's lymphoma;  
11          (4) Thirty-nine per cent higher for skin cancer;  
12          (5) Thirty-two per cent higher for brain and malignant  
13             melanoma;  
14          (6) Twenty-nine per cent higher for rectal cancer;  
15          (7) Twenty-eight per cent higher for prostate cancer;  
16          (8) Twenty-four per cent higher for buccal cavity and  
17             pharynx cancer;



- 1 (9) Twenty-two per cent higher for stomach cancer;
- 2 (10) Twenty-one per cent higher for colon cancer; and
- 3 (11) Fourteen per cent higher for leukemia.

4 Firefighters also face a greater risk of contracting  
5 infectious diseases and illnesses associated with exposure to  
6 patient care and biochemical substances due to bioterrorism.

7 The purpose of this Act is to provide firefighters with  
8 comprehensive medical coverage through workers' compensation  
9 benefits by establishing a rebuttable presumption that a  
10 firefighter who suffers from cancer, blood-borne infectious  
11 diseases, and exposure to biochemical substances contracted the  
12 condition in the course of employment.

13 SECTION 2. Chapter 386, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16 "§386- Injuries covered; firefighters. (a) In addition  
17 to the injuries covered pursuant to section 386-3, if a  
18 firefighter develops cancer or leukemia, suffers from blood-  
19 borne infectious disease, or develops methicillin-resistant  
20 staphylococcus aureus skin infection during a period that the  
21 firefighter is in the course of employment, the cancer,



1 leukemia, blood-borne infectious disease, or methicillin-  
2 resistant staphylococcus aureus skin infection shall be presumed  
3 to arise out of and in the course of the employment.

4 (b) This presumption under subsection (a) is rebuttable  
5 and may be rebutted by evidence that the primary site of the  
6 cancer has been established and that the carcinogen to which the  
7 member has demonstrated exposure is not reasonably linked to the  
8 disabling cancer. Unless so controverted, the appeals board is  
9 bound to find in accordance with the presumption. This  
10 presumption shall be extended to a member following termination  
11 of service for a period of three calendar months for each full  
12 year of the requisite service, but not to exceed sixty months in  
13 any circumstance, commencing with the last date actually worked  
14 in the specified capacity.

15 (c) No compensation shall be allowed for an injury  
16 incurred by an employee by the employee's wilful intention to  
17 injure oneself or another by actively engaging in any unprovoked  
18 non-work related physical altercation other than in self-  
19 defense, or by the employee's intoxication."

20 SECTION 3. (a) The Hawaii state fire council shall  
21 develop minimum standards and procedures to ensure the health



1 and safety of firefighters and first responders who are or may  
2 be exposed to hazardous materials or situations in the course of  
3 their duties. The Hawaii state fire council shall take steps to  
4 ensure that personnel are trained regularly with regard to these  
5 minimum standards and procedures.

6 (b) The Hawaii state fire council shall urge county fire  
7 departments to conduct an inventory of fire stations to ensure  
8 that the fire stations meet environmental health and safety  
9 standards to mitigate the long-term health effects on their  
10 personnel.

11 (c) As part of the minimum standards and procedures, the  
12 Hawaii state fire council shall require each fire station to  
13 employ best practices that limit an employee's exposure to  
14 hazardous materials by isolating equipment and material exposed  
15 in the field, proper cleaning protocol, and regular testing of  
16 the station for contaminants.

17 (d) The Hawaii state fire council shall prepare a report  
18 that outlines its progress in accordance with this Act and  
19 submit the report to the legislature no later than twenty days  
20 prior to the convening of the regular session of 2015.

21 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2015.

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INTRODUCED BY:

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# H.B. NO. 435

**Report Title:**

Firefighters; Presumption

**Description:**

Provides firefighters with comprehensive medical coverage through workers compensation benefits by establishing a rebuttable presumption that a firefighter who suffers from cancer, blood-borne infectious disease, or exposure to biochemical substances contracted the condition in the course of employment. Requires the Hawaii State Fire Council to develop standards and procedures to ensure health and safety of firefighters who may be exposed to hazardous materials in the course of their duties.

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