
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 firefighter has demonstrated exposure is not reasonably linked
8 to the disabling cancer. This presumption shall be extended to
9 a firefighter following termination of service for a period of
10 three calendar months for each full year of the requisite
11 service, but not to exceed sixty months in any circumstance,
12 commencing with the last date actually worked in the specified
13 capacity.

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

19 SECTION 3. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 2115.



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. (SB675 HD1)

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