

**ACT 191**

**S.B. NO. 2409-76**

A Bill for an Act Relating to Service-Connected Total Disability Retirement for Police Officers.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 88-77, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In the case of firemen, policemen, and sewer workers, the effect of the inhalation of smoke, toxic gases, chemical fumes, and other toxic vapors on the heart, lungs, and respiratory system shall be construed as an injury received or

disease contracted while in the performance of their duty and as the result of some occupational hazard for the purpose of determining total disability retirement under this section.

Notwithstanding any other law to the contrary, any condition of impairment of health caused by any disease of the heart, lungs, or respiratory system, resulting in permanent incapacity to a fireman, policeman, or sewer worker, shall be presumed to have been suffered in the actual performance of duty at some definite time and place through no willful negligence on the fireman's, policeman's, or sewer worker's part and as a result of the inherent occupational hazard of exposure to and inhalation of smoke, toxic gases, chemical fumes, and other toxic vapors, unless the contrary be shown by competent evidence; provided that such fireman, policeman, or sewer worker shall have passed a physical examination on entry into such service or subsequent to such entry, which examination failed to reveal any evidence of such condition."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 4, 1976.)

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\*Edited accordingly.