

ACT 101

H.B. NO. 1889

A Bill for an Act Relating to Workers' Compensation Medical Benefits.

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

SECTION 1. The legislature finds that firefighters may be exposed in the course of their duties to contaminants that are known or suspected to cause cancer. Although fire departments are expected to use the best available equipment and risk management practices to reduce a firefighter's exposure to contaminants, some house fires and vehicle fires release highly concentrated toxicants from burning plastics and other synthetics, so some exposure may be unavoidable. In October 2013, researchers from the National Institute of Occupational Safety and Health found that firefighters have a higher risk of cancer than the general population. A published study looked at cancer diagnoses and deaths among more than thirty-thousand firefighters from fire departments in Chicago, Philadelphia, and San Francisco. The study found that cancers of the respiratory, digestive, and urinary systems were common, which substantiated similar findings from a 2006 study by the University of Cincinnati.

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The legislature further finds that a task force convened pursuant to House Concurrent Resolution No. 32, Regular Session of 2016, to examine the risks of cancer among firefighters found that some states, including Arizona, California, Nevada, North Dakota, and Virginia, have enacted legislation providing special benefit programs for firefighters who have been diagnosed with cancer. The benefit programs recognize that firefighters assume significant occupational risks while performing an essential public service. By providing sufficient workers' compensation coverage for firefighters, states can help ensure that firefighters receive timely and appropriate medical treatment and can help ease the emotional and financial burdens for firefighters and their families if the firefighter is diagnosed with cancer.

The legislature recognizes that female firefighters may be at increased risk of breast, cervical, and uterine cancers. In April 2023, the National Library of Medicine highlighted a study published in *Frontiers in Public Health* regarding the occurrence of cancer in female firefighters. The study found that female firefighters may develop a wide variety of cancers and may develop them at an earlier age than most other women. These findings illustrate the need to provide broad and presumptive medical coverage for female firefighters who have become ill.

Accordingly, the purpose of this Act is to improve female firefighters' access to comprehensive medical coverage by expanding workers' compensation medical benefits for firefighters to include coverage for breast cancer and cancer of the female reproductive organs.

SECTION 2. Section 386-21.9, Hawaii Revised Statutes, is amended to read as follows:

~~“[§386-21.9]~~ **Medical care, services, and supplies for firefighters suffering from cancer.** If a claim for leukemia, multiple myeloma, non-Hodgkin lymphoma, or cancer of the lung, brain, stomach, esophagus, intestines, rectum, kidney, bladder, prostate, breast, female reproductive organs, or testes filed by an employee with five or more years of service as a firefighter is accepted or determined to be compensable, section 386-21 shall remain applicable; provided that the employer shall be liable for medical care, services, and supplies for a minimum of one hundred ten per cent, and not to exceed one hundred fifty per cent of fees prescribed in the Medicare Resource Based Relative Value Scale applicable to Hawaii as prepared by the United States Department of Health and Human Services.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 27, 2024.)