

1 HB532  
2 211700-3  
3 By Representatives Bedsole, Hanes, Holmes, Robertson, Oliver,  
4 Reynolds, Treadaway and Wadsworth  
5 RFD: County and Municipal Government  
6 First Read: 11-MAR-21

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ENROLLED, An Act,

Relating to firefighters; to amend Section 11-43-144, Code of Alabama 1975, to further provide for the death benefits of city firefighters.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-43-144, Code of Alabama 1975, is amended to read as follows:

"§11-43-144.

"(a) As used in this section the following words and terms shall have the meanings ascribed to them herein unless a contrary meaning is indicated by the context:

"~~(1)~~ (2) CITY. Any municipality of the state, regardless of its population.

"~~(2)~~ (4) FIREFIGHTER. A person employed as a firefighter by a city.

"~~(3)~~ (5) FIREFIGHTER'S OCCUPATIONAL DISEASE. Any condition or impairment of health caused by any of the following:

"a. Hypertension.

"b. Heart disease.

"c. Respiratory disease.

"d. Cancer which manifests itself in a firefighter during the period in which the firefighter is in the service of the city, ~~or up to 10 years after the firefighter's last~~

1 ~~date of employment,~~ provided the firefighter demonstrates that  
2 he or she was exposed, while in the employ of the city, to a  
3 known carcinogen ~~which~~ that is reasonably linked to the  
4 disabling cancer, and the cancer shall be presumed to arise  
5 out of and in the course of the firefighter's employment,  
6 unless the city demonstrates by a preponderance of the  
7 evidence that the cancer was caused by some other means.

8 "e. AIDS which manifests itself in a firefighter  
9 during the period in which the firefighter is in the service  
10 of the city, provided the firefighter demonstrates that he or  
11 she was exposed to AIDS while in the line and scope of his or  
12 her employment with the city.

13 "f. Hepatitis which manifests itself in a  
14 firefighter during the period in which the firefighter is in  
15 the service of the city, provided the firefighter demonstrates  
16 that he or she was exposed to hepatitis while in the line and  
17 scope of his or her employment with the city.

18 "~~(4)~~ (3) DISABILITY. Disability to perform duties as  
19 a firefighter.

20 "~~(5)~~ (1) BENEFIT. Any monetary allowance payable by  
21 a city or from a pension system established for the firemen of  
22 a city to a firefighter on account of his or her disability or  
23 to his or her dependents on account of his or her death,  
24 irrespective of whether the same is payable under a pension  
25 law of the state or under some other law of the state.

1           "(b) (1) This section shall apply to firefighters  
2 who, upon entering the service of the city as firefighters,  
3 have successfully passed a physical examination which failed  
4 to reveal any evidence of a firefighter's occupational disease  
5 and who have completed at least three years' service as  
6 firefighters.

7           "(2) If a physical examination was not required at  
8 the time of entry into service, a firefighter who has  
9 completed at least three years' continuous service as a  
10 firefighter next preceding September 8, 1967, shall be deemed  
11 eligible for benefits under this section.

12           "(c) (1) If a firefighter who qualifies for benefits  
13 under this section suffers disability as a result of a  
14 firefighter's occupational disease, his or her disability  
15 shall be compensable the same as any service-connected  
16 disability under any law which provides benefits for  
17 firefighters of the city injured in the line of duty. If a  
18 firefighter, who qualifies for benefits under this section,  
19 dies as the result of a firefighter's occupational disease,  
20 his or her death shall be compensable to the same extent as  
21 the death of a firefighter killed in the line of duty, and  
22 shall be considered to have been killed in the line of duty  
23 for purposes of Sections 36-30-1 to 36-30-7, inclusive.

24           "(2) Notwithstanding the foregoing, a firefighter  
25 who dies of cancer, as provided in paragraph (a) (5)d., within

1 10 years of the firefighter's last date of employment shall be  
2 considered to have been killed in the line of duty for  
3 purposes of Sections 36-30-1 to 36-30-7, inclusive.

4 "(d) In the case of cancer, heart disease,  
5 hypertension, and respiratory disease, the ~~municipality~~ city  
6 must prove by a preponderance of the evidence that the  
7 condition was caused by some means other than the occupation  
8 to disqualify the firefighter from benefits."

9 Section 2. This act shall become effective on the  
10 first day of the third month following its passage and  
11 approval by the Governor, or its otherwise becoming law.

