
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 2006 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 blood-
5 borne infectious diseases and illnesses associated with exposure
6 to hazardous materials.

7 The purpose of this Act is to provide a firefighter who
8 develops cancer, blood-borne infectious diseases, or conditions
9 related to hazardous material exposure contracted in the course
10 of employment with additional benefits of one-hundred per cent
11 average weekly wages, disability indemnity, and death benefits
12 as paid for by the employer through workers' compensation
13 benefits, upon the time such a workers' compensation claim is
14 filed by the firefighter, unless and until a claim is found not
15 compensable as determined by the appropriate division of the
16 department of labor and industrial relations, or by the courts,
17 in the case of an administrative appeal.

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



1 "§386- Injuries covered; firefighters. (a) In addition
2 to the injuries covered pursuant to section 386-3, if a
3 firefighter develops cancer, a blood-borne infectious disease,
4 or develops methicillin-resistant staphylococcus aureus skin
5 infection, then it shall be presumed to arise out of and in the
6 course of employment. The additional benefits shall include
7 one-hundred per cent average weekly wages, disability indemnity,
8 and death benefits as paid for by the employer through workers'
9 compensation benefits.

10 (b) The presumption under subsection (a) is rebuttable
11 only by a finding of substantial evidence to the contrary.

12 (c) In cases where the firefighter's treating physician
13 refers the firefighter to a consultation with a medical
14 specialist, if within a month of the referral, the firefighter
15 is unable to obtain an appointment for consultation, then the
16 employer shall pay for a comparable consultation with a medical
17 specialist, even if that specialist does not accept workers'
18 compensation insurance.

19 (d) For the purposes of this section, firefighters shall
20 have the same meaning as used in section 88-21."



- 1 SECTION 3. New statutory material is underscored.
- 2 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Firefighters; Presumption; Workers' Compensation

Description:

Establishes a rebuttable presumption that a firefighter who suffers from cancer, blood-borne infectious diseases, or conditions related to hazardous material exposure contracted it in the course of employment. Benefits include one-hundred per cent average weekly wages, disability indemnity, and death benefits. (SB675 HD2)

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