

HB35 INTRODUCED



1 HB35
2 STXS878-1
3 By Representative Bedsole
4 RFD: Ways and Means General Fund
5 First Read: 04-Feb-25
6 PFD: 29-Aug-24



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SYNOPSIS:

Existing law provides compensation for paid firefighters who contract cancer on the job, but makes no similar provision for volunteer firefighters.

This bill would provide compensation to the survivors of a volunteer firefighter who dies of work-related cancer by making them eligible for the death benefit awarded by the State Board of Adjustment for first responders who die in the line of duty.

A BILL
TO BE ENTITLED
AN ACT

Relating to volunteer firefighters; to provide compensation to beneficiaries or dependents of active volunteer firefighters who die of cancer through the existing line of duty death benefit under Article 1, Chapter 30, Title 36, Code of Alabama 1975; and to provide for circumstances qualifying for the claim and a standard of proof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms have the following meanings:

(1) CANCER. Includes bladder, blood, brain, breast,



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29 cervical, esophageal, intestinal, kidney, lymphatic, lung,
30 prostate, rectum, respiratory tract, skin, testicular, and
31 thyroid cancer, leukemia, multiple myeloma, Hodgkin's
32 lymphoma, and non-Hodgkin's lymphoma.

33 (2) VOLUNTEER FIREFIGHTER. An individual who has been
34 certified as a volunteer fire fighter through the Alabama
35 Firefighters' Personnel Standards and Education Commission or
36 who has received an equivalent certification to qualify as a
37 volunteer firefighter before residing in this state.

38 (b) The death of a volunteer firefighter resulting from
39 cancer may be compensable as a death in the line of duty under
40 Article 1, Chapter 30, Title 36, Code of Alabama 1975, if all
41 of the following facts and circumstances are presented with a
42 claim for compensation made by or on behalf of a beneficiary
43 or dependent in the manner prescribed by the State Board of
44 Adjustment:

45 (1) The firefighter passed a physical examination
46 before initial certification as a volunteer firefighter which
47 failed to reveal any evidence of cancer.

48 (2) The firefighter had no less than six years of
49 service as a firefighter before receiving a diagnosis of
50 cancer.

51 (3) The firefighter was an active member of a volunteer
52 fire department as recognized by the Alabama Forestry
53 Commission or was an active volunteer member of a combination
54 paid and volunteer fire department in this state at the time
55 of the onset of the symptoms that led to a diagnosis of
56 cancer.



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57 (4) The department for which the firefighter
58 volunteered maintains a record indicating that the fire
59 suppression events in which the firefighter participated
60 exposed the firefighter to a known carcinogen.

61 (c) (1) The provisions of Article 1, Chapter 30, Title
62 36, Code of Alabama 1975, shall govern any claim for
63 compensation arising from this section.

64 (2) If a known carcinogen to which a volunteer
65 firefighter was exposed while in the line of duty is
66 reasonably linked to the type of cancer that resulted in the
67 death of the firefighter, the cancer shall be presumed to
68 arise out of and in the course of the firefighter's volunteer
69 service, unless the state demonstrates by a preponderance of
70 the evidence that the cancer was caused by some other means.

71 (d) Where any provision of this section may be in
72 conflict with any provision of Article 1, Chapter 30, Title
73 36, Code of Alabama 1975, the provision of this section will
74 be given effect.

75 Section 2. This act shall become effective on October
76 1, 2025.