
HOUSE BILL 1571

State of Washington

69th Legislature

2025 Regular Session

By Representatives Bronoske and Low

1 AN ACT Relating to removing qualifiers related to the presumption
2 of occupational disease for heart problems; amending RCW 51.32.185;
3 and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 51.32.185 and 2019 c 133 s 1 are each amended to
6 read as follows:

7 (1)(a) In the case of firefighters as defined in RCW
8 41.26.030(17) (a), (b), (c), and (h) who are covered under this title
9 and firefighters, including supervisors, employed on a full-time,
10 fully compensated basis as a firefighter of a private sector
11 employer's fire department that includes over ~~((fifty))~~ 50 such
12 firefighters, and public employee fire investigators, there shall
13 exist a prima facie presumption that: (i) Respiratory disease; (ii)
14 any heart problems (~~(, experienced within seventy-two hours of~~
15 ~~exposure to smoke, fumes, or toxic substances, or experienced within~~
16 ~~twenty-four hours of strenuous physical exertion due to firefighting~~
17 ~~activities)); (iii) cancer; and (iv) infectious diseases are
18 occupational diseases under RCW 51.08.140.~~

19 (b) In the case of firefighters as defined in RCW 41.26.030(17)
20 (a), (b), (c), and (h) and firefighters, including supervisors,
21 employed on a full-time, fully compensated basis as a firefighter of

1 a private sector employer's fire department that includes over
2 ((fifty)) 50 such firefighters, and law enforcement officers as
3 defined in RCW 41.26.030(19) (b), (c), and (e), who are covered under
4 this title, there shall exist a prima facie presumption that
5 posttraumatic stress disorder is an occupational disease under RCW
6 51.08.140.

7 (c) In the case of law enforcement officers as defined in RCW
8 41.26.030(19) (b), (c), and (e) who are covered under Title 51 RCW,
9 there shall exist a prima facie presumption that: (i) Any heart
10 problems (~~(, experienced within seventy-two hours of exposure to~~
11 ~~smoke, fumes, or toxic substances, or experienced within twenty-four~~
12 ~~hours of strenuous physical exertion in the line of duty)); and (ii)~~
13 infectious diseases are occupational diseases under RCW 51.08.140.

14 (d) This presumption of occupational disease established in (a),
15 (b), and (c) of this subsection may be rebutted by a preponderance of
16 the evidence. Such evidence may include, but is not limited to, use
17 of tobacco products, physical fitness and weight, lifestyle,
18 hereditary factors, and exposure from other employment or
19 nonemployment activities.

20 (2) The presumptions established in subsection (1) of this
21 section shall be extended to an applicable member following
22 termination of service for a period of three calendar months for each
23 year of requisite service, but may not extend more than ((sixty)) 60
24 months following the last date of employment.

25 (3)(a) The presumption established in subsection (1)(a)(iii) of
26 this section shall only apply to any active or former firefighter or
27 fire investigator who:

28 (i) Has cancer that develops or manifests itself after the
29 firefighter or fire investigator has served at least ((ten)) 10
30 years; and

31 (ii)(A) Was given a qualifying medical examination upon becoming
32 a firefighter or fire investigator that showed no evidence of cancer;
33 or

34 (B)(I) For a firefighter or fire investigator who became a
35 firefighter or fire investigator on or after July 28, 2019, the
36 employer did not provide a qualifying medical examination upon
37 becoming a firefighter or fire investigator; or

38 (II) For a firefighter or fire investigator who became a
39 firefighter or fire investigator before July 28, 2019, the employer
40 did not provide a qualifying medical examination upon becoming a

1 firefighter or fire investigator and the employer provides a
2 qualifying medical examination on or before July 1, 2020. If a
3 firefighter or fire investigator described in this subsection
4 (3)(a)(ii)(B)(II) did not receive a qualifying medical examination
5 before July 1, 2020, or is diagnosed with a cancer listed in (b) of
6 this subsection at the time of the qualifying medical examination
7 under this subsection (3)(a)(ii)(B)(II) and otherwise meets the
8 requirements of this section, the presumption established in
9 subsection (1)(a)(iii) of this section applies.

10 (b) The presumption established in subsection (1)(a)(iii) of this
11 section shall only apply to the following cancers: Prostate cancer
12 diagnosed prior to the age of (~~(fifty)~~) 50, primary brain cancer,
13 malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer,
14 ureter cancer, colorectal cancer, multiple myeloma, testicular
15 cancer, kidney cancer, mesothelioma, stomach cancer, nonmelanoma skin
16 cancer, breast cancer in women, and cervical cancer.

17 (4) The presumption established in subsection (1)(a)(iv) and
18 (c)(ii) of this section shall be extended to any firefighter, fire
19 investigator, or law enforcement officer who has contracted any of
20 the following infectious diseases: Human immunodeficiency virus/
21 acquired immunodeficiency syndrome, all strains of hepatitis,
22 meningococcal meningitis, or mycobacterium tuberculosis.

23 (5) The presumption established in subsection (1)(b) of this
24 section only applies to active or former firefighters as defined in
25 RCW 41.26.030(17) (a), (b), (c), and (h) and firefighters, including
26 supervisors, employed on a full-time, fully compensated basis as a
27 firefighter of a private sector employer's fire department that
28 includes over (~~(fifty)~~) 50 such firefighters, and law enforcement
29 officers as defined in RCW 41.26.030(19) (b), (c), and (e) who have
30 posttraumatic stress disorder that develops or manifests itself after
31 the individual has served at least (~~(ten)~~) 10 years.

32 (6) If the employer does not provide the psychological exam as
33 specified in RCW 51.08.142 and the employee otherwise meets the
34 requirements for the presumption established in subsection (1)(b) of
35 this section, the presumption applies.

36 (7) Beginning July 1, 2003, this section does not apply to a
37 firefighter, fire investigator, or law enforcement officer who
38 develops a heart or lung condition and who is a regular user of
39 tobacco products or who has a history of tobacco use. The department,
40 using existing medical research, shall define in rule the extent of

1 tobacco use that shall exclude a firefighter, fire investigator, or
2 law enforcement officer from the provisions of this section.

3 ~~(8) ((For purposes of this section, "firefighting activities"~~
4 ~~means fire suppression, fire prevention, fire investigation,~~
5 ~~emergency medical services, rescue operations, hazardous materials~~
6 ~~response, aircraft rescue, and training and other assigned duties~~
7 ~~related to emergency response.~~

8 ~~(9))~~ (a) When a determination involving the presumption
9 established in this section is appealed to the board of industrial
10 insurance appeals and the final decision allows the claim for
11 benefits, the board of industrial insurance appeals shall order that
12 all reasonable costs of the appeal, including attorney fees and
13 witness fees, be paid to the firefighter, fire investigator, or law
14 enforcement officer, or his or her beneficiary by the opposing party.

15 (b) When a determination involving the presumption established in
16 this section is appealed to any court and the final decision allows
17 the claim for benefits, the court shall order that all reasonable
18 costs of the appeal, including attorney fees and witness fees, be
19 paid to the firefighter, fire investigator, or law enforcement
20 officer, or his or her beneficiary by the opposing party.

21 (c) When reasonable costs of the appeal must be paid by the
22 department under this section in a state fund case, the costs shall
23 be paid from the accident fund and charged to the costs of the claim.

24 ~~((10))~~ (9) (a) The director must create an advisory committee on
25 occupational disease presumptions. The purposes of the advisory
26 committee are to review scientific evidence and to make
27 recommendations to the legislature on additional diseases or
28 disorders for inclusion under this section.

29 (b) (i) The advisory committee shall be composed of five voting
30 members, appointed by the director as follows:

31 (A) Two epidemiologists;

32 (B) Two preventive medicine physicians; and

33 (C) One industrial hygienist.

34 (ii) The research director of the department's safety and health
35 assessment and research for prevention program shall serve as the
36 advisory committee nonvoting chair.

37 (iii) Members serve for a term of four years and may be
38 reappointed. Members shall not be compensated for their work on the
39 advisory committee. As a condition of appointment, voting members and
40 the chair must have no past or current financial or personal

1 conflicts of interest related to the advisory committee activities.
2 Voting members of the advisory committee may not be current employees
3 of the department.

4 (c) The chair or ranking member of the appropriate committee or
5 committees of the legislature may initiate a request for the advisory
6 committee to review scientific evidence and to make recommendations
7 to the legislature on specific disorders or diseases, or specific
8 occupations, for inclusion under this section by notifying the
9 director.

10 (d) The process of developing an advisory committee
11 recommendation must include a thorough review of the scientific
12 literature on the disease or disorder, relevant exposures, and
13 strength of the association between the specific occupations and the
14 disease or disorder proposed for inclusion in this section. The
15 advisory committee must give consideration to the relevance, quality,
16 and quantity of the literature and data. The advisory committee may
17 consult nationally recognized experts or subject matter experts in
18 developing its recommendations. The advisory committee must provide a
19 recommendation to the legislature within the earlier of (~~one hundred~~
20 ~~eighty~~) 180 days of the request or when the advisory committee
21 reaches a consensus recommendation.

22 (e) Each recommendation must include a written description of the
23 scientific evidence and supporting information relied upon to assess
24 the causal relationship between the occupation and health condition
25 proposed for inclusion under this section. Estimates of the number of
26 Washington workers at risk, the prevalence of the disease or
27 disorder, and the medical treatment and disability costs should, if
28 available, be included with the recommendation.

29 (f) The recommendation must be made by a majority of advisory
30 committee's voting members. Any member of the advisory committee may
31 provide a written dissent as an appendix to the committee's
32 recommendation.

33 (g) The department's safety and health assessment and research
34 for prevention program shall provide organizational and scientific
35 support to the advisory committee. Scientific support must include
36 for consideration of the advisory committee preliminary written
37 reviews of the scientific literature on the disease and disorder,
38 relevant exposures, and strength of the association between the
39 specific occupations and the health condition or disorders proposed
40 for inclusion in this section.

1 NEW SECTION. **Sec. 2.** This act may be known and cited as the
2 Erik Shouse memorial act.

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