

Senate Bill 29

By: Senators Albers of the 56th and Mullis of the 53rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia
2 Annotated, relating to general provisions relative to compensation for occupational diseases,
3 so as to define certain terms; to provide for a rebuttable presumption that certain medical
4 conditions suffered by firefighters are occupational diseases; to provide for applicability; to
5 provide for benefits; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated,
10 relating to general provisions relative to compensation for occupational diseases, is amended
11 by adding a new Code section to read as follows:

12 "34-9-293.

13 (a) As used in this Code section, the term:

14 (1) 'Disability' means a condition which renders a firefighter totally and permanently
15 physically unable to perform substantially all of the duties of that position to which he
16 or she was regularly assigned when the disability originated, and such firefighter, as a
17 result of such physical disability, is separated from his or her work as a firefighter or his
18 or her appointment as a volunteer firefighter.

19 (2) 'Employer' means the state, counties, and municipal corporations.

20 (3) 'Firefighter' means a person who is:

21 (A) A permanent, compensated employee of a fire department who in the course of his
22 or her employment by and within a fire department either is a candidate for or holds a
23 current firefighter's certificate issued under Article 1 of Chapter 4 of Title 25 and who
24 has, as incident to his or her position of employment, the principal duty of, and actually
25 performs the function of, preventing and suppressing fires and works at least 1,040
26 hours per year; provided, however, that such term shall not include persons whose
27 primary responsibility is the performance of emergency medical services; or

28 (B) Appointed and regularly enrolled as a volunteer with a volunteer fire department
29 or a combination of full-time and volunteer fire departments which satisfies the
30 requirements specified in subparagraph (a)(1)(D) of Code Section 25-3-23 and who, as
31 a volunteer firefighter, has and primarily performs the principal responsibility of
32 preventing or suppressing fires.

33 (4) 'Firefighters' occupational disease' means any condition or impairment of health
34 caused by any of the following:

35 (A) Hypertension;

36 (B) Heart disease;

37 (C) Respiratory disease;

38 (D) Cancer which manifests itself in a firefighter during the period in which the
39 firefighter is in the service of the employer, provided that the firefighter demonstrates
40 that he or she was exposed to a known carcinogen which is reasonably linked to the
41 disabling cancer while in the line and scope of his or her employment with the
42 employer;

43 (E) AIDS which manifests itself in a firefighter during the period in which the
44 firefighter is in the service of the employer, provided that the firefighter demonstrates
45 that he or she was exposed to AIDS while in the line and scope of his or her
46 employment with the employer; and

47 (F) Hepatitis which manifests itself in a firefighter during the period in which the
48 firefighter is in the service of the employer, provided that the firefighter demonstrates
49 that he or she was exposed to hepatitis while in the line and scope of his or her
50 employment with the employer.

51 (b) For purposes of this article, there shall be a rebuttable presumption that any firefighters'
52 occupational disease was contracted in the line of duty; provided, however, that if the
53 disabled firefighter used any tobacco product within five years of the onset of the disability
54 or if the condition existed at the time he or she first became employed, there shall be no
55 such rebuttable presumption.

56 (c) This Code section shall apply to firefighters who, upon entering the service of the
57 employer, have successfully passed a physical examination which failed to reveal any
58 evidence of a firefighter's occupational disease and who have completed at least three
59 years' service as firefighters.

60 (d) If a firefighter subject to the provisions of this Code section suffers a disability as a
61 result of a firefighter's occupational disease, his or her disability shall be compensable the
62 same as an occupational disease under this article. If a firefighter who qualifies for benefits
63 under this Code section dies as the result of a firefighter's occupational disease, his or her
64 death shall be compensable to the same extent as the death of a firefighter killed in the line

65 of duty, and he or she shall be considered to have been killed in the line of duty for
66 purposes of this article."

67 **SECTION 2.**

68 All laws and parts of laws in conflict with this Act are repealed.