

House Bill 216

By: Representatives Gravley of the 67<sup>th</sup>, Hitchens of the 161<sup>st</sup>, Powell of the 32<sup>nd</sup>, Watson of the 172<sup>nd</sup>, Waites of the 60<sup>th</sup>, and others

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 duty of, and actually performs  
25 the function of, preventing and suppressing fires and works at least 1,040 hours per  
26 year; or

27 (B) Appointed and regularly enrolled as a volunteer with a volunteer fire department  
28 or a combination of full-time and volunteer fire departments which satisfies the  
29 requirements specified in subparagraph (a)(1)(D) of Code Section 25-3-23.

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

32 (A) Hypertension;

33 (B) Heart disease;

34 (C) Respiratory disease;

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

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

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

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

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

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

64 (e) This Code section shall be separate from and not related to the provisions of the  
65 Georgia State Indemnification Fund created by Code Section 45-9-84.1."

66 **SECTION 2.**

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