

Senate Engrossed

State of Arizona  
Senate  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 47

# **SENATE BILL 1197**

AN ACT

AMENDING SECTION 23-901.01, ARIZONA REVISED STATUTES; RELATING TO WORKERS'  
COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-901.01, Arizona Revised Statutes, is amended to  
3 read:

4 23-901.01. Occupational disease; proximate causation;  
5 definitions

6 A. The occupational diseases as defined by section 23-901, paragraph  
7 12, subdivision (c) shall be deemed to arise out of the employment only if  
8 all of the following six requirements exist:

9 1. There is a direct causal connection between the conditions under  
10 which the work is performed and the occupational disease.

11 2. The disease can be seen to have followed as a natural incident of  
12 the work as a result of the exposure occasioned by the nature of the  
13 employment.

14 3. The disease can be fairly traced to the employment as the proximate  
15 cause.

16 4. The disease does not come from a hazard to which workers would have  
17 been equally exposed outside of the employment.

18 5. The disease is incidental to the character of the business and not  
19 independent of the relation of employer and employee.

20 6. The disease after its contraction appears to have had its origin in  
21 a risk connected with the employment, and to have flowed from that source as  
22 a natural consequence, although it need not have been foreseen or expected.

23 B. Notwithstanding subsection A of this section and section  
24 23-1043.01, any disease, infirmity or impairment of a firefighter's **OR PEACE**  
25 **OFFICER'S** health that is caused by brain, bladder, rectal or colon cancer,  
26 lymphoma, leukemia or aden carcinoma or mesothelioma of the respiratory tract  
27 and that results in disability or death is presumed to be an occupational  
28 disease as defined in section 23-901, paragraph 12, subdivision (c) and is  
29 deemed to arise out of employment. The presumption is granted if all of the  
30 following apply ~~to the firefighter~~:

31 1. The firefighter **OR PEACE OFFICER** passed a physical examination  
32 before employment and the examination did not indicate evidence of cancer.

33 2. The firefighter **OR PEACE OFFICER** was assigned to hazardous duty for  
34 at least five years.

35 3. The firefighter **OR PEACE OFFICER** was exposed to a known carcinogen  
36 as defined by the international agency for research on cancer, ~~AND~~ informed  
37 the department of this exposure, and the carcinogen is reasonably related to  
38 the cancer.

39 C. Subsection B of this section applies to former firefighters **AND**  
40 **PEACE OFFICERS** who are sixty-five years of age or younger.

41 D. Subsection B of this section does not apply to cancers of the  
42 respiratory tract if the firefighter **OR PEACE OFFICER** has smoked tobacco  
43 products.

- 1           E. For ~~THE~~ purposes of this section~~;~~:
- 2           1. "Firefighter" means a full-time firefighter who was regularly
- 3 assigned to hazardous duty.
- 4           2. "PEACE OFFICER" MEANS A FULL-TIME PEACE OFFICER WHO WAS REGULARLY
- 5 ASSIGNED TO HAZARDOUS DUTY AS A PART OF A SPECIAL OPERATIONS, SPECIAL WEAPONS
- 6 AND TACTICS, EXPLOSIVE ORDINANCE DISPOSAL OR HAZARDOUS MATERIALS RESPONSE
- 7 UNIT.

APPROVED BY THE GOVERNOR APRIL 7, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2003.