



ARIZONA STATE SENATE
Fifty-Fourth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1160

firefighters; cancers; presumption; workers' compensation

Purpose

Modifies requirements for firefighters and fire investigators to qualify for a presumption of compensability. Deems a presumption that meets outlined requirements to be conclusive and irrebuttable.

Background

Injured employees, as well as dependents of deceased employees, are entitled to receive workers' compensation from accidents arising out of and in the course of employment ([A.R.S. § 23-1021](#)). Accidents arising out of employment include occupational diseases that are due to conditions of a particular trade, occupation, process or employment, and not the ordinary diseases to which the general public is exposed ([A.R.S. § 23-901](#)).

In 2001, the Legislature established the presumption that a firefighter's disability or death resulted from a compensable occupational disease if the injury was caused by brain, bladder, rectal or colon cancer, lymphoma, leukemia or adenocarcinoma or mesothelioma of the respiratory tract ([Laws 2001, Chapter 192](#)). The presumed compensability of these occupational diseases was extended to cover peace officers in 2003 ([Laws 2003, Chapter 47](#)). In 2017, the Legislature established presumptions of compensability for a firefighter's disability or death caused by heart-related, perivascular or pulmonary illnesses and several types of cancer, including kidney, lung, prostate and skin cancer ([Laws 2017, Chapters 318 & 325](#)).

To qualify for the presumption, firefighter or peace officer must have passed a physical examination before employment, been assigned to hazardous duty for five years and documented their exposure to a known carcinogen reasonably related to the cancer. The firefighter must also receive a physical examination reasonably aligned with the National Fire Protection Association standards to qualify for presumptions. Presumptions may be rebutted by a preponderance of the evidence that there is a specific cause of cancer other than an occupational exposure to a carcinogen ([A.R.S. § 23-901.01](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Adds, to conditions presumed to arise out of employment, any disease, infirmity or impairment of a firefighter's or fire investigator's health that is caused by ovarian or breast cancer.

2. Removes the requirement, to qualify for the presumption that an outlined cancer arose from employment, that a firefighter or fire investigator be exposed to a known carcinogen reasonably related to cancer and inform their employer of the exposure.
3. Removes the ability to rebut a presumption, for a firefighter or fire investigator, by a preponderance of the evidence that there is a specific cause of cancer other than an occupational exposure to a carcinogen.
4. Deems a presumption, for a firefighter or fire investigator, to be conclusive and irrebuttable if outlined requirements are met.
5. Specifies that the presumptions that the outlined cancers arose from employment apply to firefighters, fire investigators and peace officers currently in service.
6. Applies, to fire investigators, the presumption eligibility and requirements prescribed for firefighters.
7. Defines a *fire investigator* as a person who is employed full-time by a municipality or fire district and who is trained in the process of, and responsible for, determining the origin, cause and development of a fire or explosion.
8. Contains a legislative intent clause.
9. Makes technical and conforming changes.
10. Becomes effective on the general effective date.

Amendments Adopted by the Appropriations Committee

1. Reinstates the requirement that a peace officer be exposed to a carcinogen reasonably related to the cancer to qualify for a presumption.
2. Reinstates the ability to rebut a presumption for a peace officer by a preponderance of evidence that there is a specific cause of the cancer other than occupational evidence.
3. Applies, to fire investigators, the same presumption eligibility and requirements outlined for firefighters.
4. Defines *fire investigators*.

Senate Action

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APPROP	2/4/20	DPA	7-2-0

Prepared by Senate Research

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JO/JP/gs