
HOUSE BILL 1602

State of Washington 64th Legislature 2015 Regular Session

By Representatives Bergquist, Van De Wege, Griffey, Riccelli,
Fitzgibbon, Pollet, and Goodman

Read first time 01/23/15. Referred to Committee on Labor.

1 AN ACT Relating to occupational diseases affecting emergency
2 medical technicians; and amending RCW 51.32.185.

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

4 **Sec. 1.** RCW 51.32.185 and 2007 c 490 s 2 are each amended to
5 read as follows:

6 (1) In the case of firefighters as defined in RCW
7 41.26.030(~~((+4))~~)(16) (a), (b), (~~and~~) (c), and (h) who are covered
8 under Title 51 RCW and firefighters, including supervisors, employed
9 on a full-time, fully compensated basis as a firefighter of a private
10 sector employer's fire department that includes over fifty such
11 firefighters, there shall exist a prima facie presumption that: (a)
12 Respiratory disease; (b) any heart problems, experienced within
13 seventy-two hours of exposure to smoke, fumes, or toxic substances,
14 or experienced within twenty-four hours of strenuous physical
15 exertion due to firefighting activities; (c) cancer; and (d)
16 infectious diseases are occupational diseases under RCW 51.08.140.
17 This presumption of occupational disease may be rebutted by a
18 preponderance of the evidence. Such evidence may include, but is not
19 limited to, use of tobacco products, physical fitness and weight,
20 lifestyle, hereditary factors, and exposure from other employment or
21 nonemployment activities.

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

6 (3) The presumption established in subsection (1)(c) of this
7 section shall only apply to any active or former firefighter who has
8 cancer that develops or manifests itself after the firefighter has
9 served at least ten years and who was given a qualifying medical
10 examination upon becoming a firefighter that showed no evidence of
11 cancer. The presumption within subsection (1)(c) of this section
12 shall only apply to prostate cancer diagnosed prior to the age of
13 fifty, primary brain cancer, malignant melanoma, leukemia, non-
14 Hodgkin's lymphoma, bladder cancer, ureter cancer, colorectal cancer,
15 multiple myeloma, testicular cancer, and kidney cancer.

16 (4) The presumption established in subsection (1)(d) of this
17 section shall be extended to any firefighter who has contracted any
18 of the following infectious diseases: Human immunodeficiency virus/
19 acquired immunodeficiency syndrome, all strains of hepatitis,
20 meningococcal meningitis, or mycobacterium tuberculosis.

21 (5) Beginning July 1, 2003, this section does not apply to a
22 firefighter who develops a heart or lung condition and who is a
23 regular user of tobacco products or who has a history of tobacco use.
24 The department, using existing medical research, shall define in rule
25 the extent of tobacco use that shall exclude a firefighter from the
26 provisions of this section.

27 (6) For purposes of this section, "firefighting activities" means
28 fire suppression, fire prevention, emergency medical services, rescue
29 operations, hazardous materials response, aircraft rescue, and
30 training and other assigned duties related to emergency response.

31 (7)(a) When a determination involving the presumption established
32 in this section is appealed to the board of industrial insurance
33 appeals and the final decision allows the claim for benefits, the
34 board of industrial insurance appeals shall order that all reasonable
35 costs of the appeal, including attorney fees and witness fees, be
36 paid to the firefighter or his or her beneficiary by the opposing
37 party.

38 (b) When a determination involving the presumption established in
39 this section is appealed to any court and the final decision allows
40 the claim for benefits, the court shall order that all reasonable

1 costs of the appeal, including attorney fees and witness fees, be
2 paid to the firefighter or his or her beneficiary by the opposing
3 party.

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

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