
A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 386, Hawaii Revised Statutes, is
2 amended by adding a new section to part III to be appropriately
3 designated and to read as follows:

4 "§386- Cancer Presumption. (a) In any proceeding for
5 the enforcement of a claim for compensation under this chapter
6 it shall be presumed for all persons who have performed services
7 as a firefighter as defined under section 587D-1 or as a
8 volunteer firefighter as defined under section 386-181, who
9 develop cancer, that the cancer so developing or manifesting
10 itself has arisen out of and in the course of the employment
11 provided:

12 (1) The claimant demonstrates that he or she was exposed,
13 while in service of their employer, to a known
14 carcinogen as defined by the International Agency for
15 Research on Cancer; and

16 (2) The claim for compensation is filed by the claimant
17 following a period no longer than three calendar



1 months for each full year of the requisite service,
2 but not to exceed 120 months, commencing with the last
3 date employed in the specified capacity.

4 (b) The claimant, or next of kin, shall receive
5 compensation including full medical care, disability indemnity,
6 and death benefits.

7 (c) This presumption is disputable and may be controverted
8 by evidence that the primary site of the cancer has been
9 established and that the carcinogen to which the member has
10 demonstrated exposure is not reasonably linked to the disabling
11 cancer.

12 (d) This section shall be applied to claims for benefits
13 filed or pending on or after July 1, 2018, including, but not
14 limited to, claims for benefits filed on or after that date that
15 have previously been denied, or that are being appealed
16 following denial."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. If any provision of this Act, or the
19 application thereof to any person or circumstance, is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act that can be given effect without the






1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:


Cindy Evans





JAN 23 2018



Report Title:

Presumption; Firefighters; Volunteer Firefighters; Cancer

Description:

Grants the presumption that cancer developed by claimants for worker's compensation who performed services as firefighters or volunteer fighters was developed as a result of their work, provided evidence of exposure to a known carcinogen.

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