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# A BILL FOR AN ACT

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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 the claimant was  
13       exposed, while in service of their employer, to a  
14       known carcinogen as defined by the International  
15       Agency for 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 on January 1, 2050.



**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.

(HB2544 HD1)

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