

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 192

HOUSE BILL 2393

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 definition

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 workmen WORKERS
17 would have 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
21 in a risk connected with the employment, and to have flowed from that source
22 as a natural consequence, although it need not have been foreseen or
23 expected.

24 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION AND SECTION
25 23-1043.01, ANY DISEASE, INFIRMITY OR IMPAIRMENT OF A FIREFIGHTER'S HEALTH
26 THAT IS CAUSED BY BRAIN, BLADDER, RECTAL OR COLON CANCER, LYMPHOMA, LEUKEMIA
27 OR ADEN CARCINOMA OR MESOTHELIOMA OF THE RESPIRATORY TRACT AND THAT RESULTS
28 IN DISABILITY OR DEATH IS PRESUMED TO BE AN OCCUPATIONAL DISEASE AS DEFINED
29 IN SECTION 23-901, PARAGRAPH 12, SUBDIVISION (c) AND IS DEEMED TO ARISE OUT
30 OF EMPLOYMENT. THE PRESUMPTION IS GRANTED IF ALL OF THE FOLLOWING APPLY TO
31 THE FIREFIGHTER:

32 1. THE FIREFIGHTER PASSED A PHYSICAL EXAMINATION BEFORE EMPLOYMENT AND
33 THE EXAMINATION DID NOT INDICATE EVIDENCE OF CANCER.

34 2. THE FIREFIGHTER WAS ASSIGNED TO HAZARDOUS DUTY FOR AT LEAST FIVE
35 YEARS.

36 3. THE FIREFIGHTER WAS EXPOSED TO A KNOWN CARCINOGEN AS DEFINED BY THE
37 INTERNATIONAL AGENCY FOR RESEARCH ON CANCER, INFORMED THE DEPARTMENT OF THIS
38 EXPOSURE AND THE CARCINOGEN IS REASONABLY RELATED TO THE CANCER.

39 C. SUBSECTION B OF THIS SECTION APPLIES TO FORMER FIREFIGHTERS WHO ARE
40 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 HAS SMOKED TOBACCO PRODUCTS.

43 E. FOR PURPOSES OF THIS SECTION, "FIREFIGHTER" MEANS A FULL-TIME
44 FIREFIGHTER WHO WAS REGULARLY ASSIGNED TO HAZARDOUS DUTY.

Passed the House March 14, 2001,

Passed the Senate April 11, 2001,

by the following vote: 52 Ayes,

by the following vote: 30 Ayes,

0 Nays, 8 Not Voting

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2393

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 17, 2001,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of April, 2001,

at 11:06 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 21 day of

April, 2001,

at 9:24 o'clock A M.

[Signature]
Governor of Arizona

H.B. 2393

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2001,

at 4:45 o'clock P M.

[Signature]
Secretary of State