

1 B. Notwithstanding subsection A of this section and section  
2 23-1043.01, ~~---~~

3 ~~1.~~ any disease, infirmity or impairment of a ~~firefighter's~~ or peace  
4 officer's health that is caused by brain, bladder, rectal or colon cancer,  
5 lymphoma, leukemia or adenocarcinoma or mesothelioma of the respiratory  
6 tract and that results in disability or death is presumed to be an  
7 occupational disease as defined in section 23-901, paragraph 13,  
8 subdivision (c) and is deemed to arise out of employment.

9 ~~2. Any disease, infirmity or impairment of a firefighter's health~~  
10 ~~that is caused by buccal cavity and pharynx, esophagus, large intestine,~~  
11 ~~lung, kidney, prostate, skin, stomach or testicular cancer or~~  
12 ~~non-Hodgkin's lymphoma, multiple myeloma or malignant melanoma and that~~  
13 ~~results in disability or death is presumed to be an occupational disease~~  
14 ~~as defined in section 23-901, paragraph 13, subdivision (c) and is deemed~~  
15 ~~to arise out of employment.~~

16 C. The ~~presumptions~~ PRESUMPTION provided in subsection B of this  
17 section ~~are~~ IS granted if all of the following apply:

18 1. The ~~firefighter~~ or peace officer passed a physical examination  
19 before employment and the examination did not indicate evidence of cancer.

20 2. The ~~firefighter~~ or peace officer was assigned to hazardous duty  
21 for at least five years.

22 ~~3. The firefighter or peace officer was exposed to a known~~  
23 ~~carcinogen as defined by the international agency for research on cancer~~  
24 ~~and informed the department of this exposure, and the carcinogen is~~  
25 ~~reasonably related to the cancer.~~

26 ~~4. For the presumption provided in subsection B, paragraph 2 of~~  
27 ~~this section, the firefighter received a physical examination that is~~  
28 ~~reasonably aligned with the national fire protection association standard~~  
29 ~~on comprehensive occupational medical program for fire departments~~  
30 ~~(NFPA 1582).~~

31 D. Subsection B of this section applies to BOTH OF THE FOLLOWING:

32 1. PEACE OFFICERS CURRENTLY IN SERVICE.

33 2. Former ~~firefighters~~ or peace officers who are sixty-five years  
34 of age or younger and who are diagnosed with a cancer that is listed in  
35 subsection B of this section not more than fifteen years after the  
36 ~~firefighter's~~ or peace officer's last date of employment as a ~~firefighter~~  
37 ~~or~~ peace officer.

38 E. Subsection B of this section does not apply to cancers of the  
39 respiratory tract if there is evidence that the ~~firefighter's~~ or peace  
40 officer's exposure to cigarettes or tobacco products outside of the scope  
41 of the ~~firefighter's~~ or peace officer's official duties is a substantial  
42 contributing cause in the development of the cancer.

43 F. The ~~presumptions~~ PRESUMPTION provided in subsection B of this  
44 section may be rebutted by ~~a preponderance of the~~ CLEAR AND CONVINCING  
45 evidence that there is a specific cause of the cancer other than an



1 occupational exposure to a carcinogen as defined by the international  
2 agency for research on cancer.

3 G. For the purposes of this section, —

4 ~~1. "Firefighter" means a full-time firefighter who was regularly~~  
5 ~~assigned to hazardous duty.~~

6 ~~2. "peace officer" means a full-time peace officer who was~~  
7 ~~regularly assigned to hazardous duty as a part of a special operations,~~  
8 ~~special weapons and tactics, explosive ordinance disposal or hazardous~~  
9 ~~materials response unit.~~

10 Sec. 6. Title 23, chapter 6, article 1, Arizona Revised Statutes,  
11 is amended by adding section 23-901.09, to read:

12 23-901.09. Presumption; cancers; firefighters and fire  
13 investigators; applicability; definitions

14 A. NOTWITHSTANDING SECTION 23-901.01, SUBSECTION A AND SECTION  
15 23-1043.01:

16 1. ANY DISEASE, INFIRMITY OR IMPAIRMENT OF A FIREFIGHTER'S OR FIRE  
17 INVESTIGATOR'S HEALTH THAT IS CAUSED BY BRAIN, BLADDER, RECTAL OR COLON  
18 CANCER, LYMPHOMA, LEUKEMIA OR ADENOCARCINOMA OR MESOTHELIOMA OF THE  
19 RESPIRATORY TRACT AND THAT RESULTS IN DISABILITY OR DEATH IS PRESUMED TO  
20 BE AN OCCUPATIONAL DISEASE AS DEFINED IN SECTION 23-901, PARAGRAPH 13,  
21 SUBDIVISION (c) AND IS DEEMED TO ARISE OUT OF EMPLOYMENT.

22 2. ANY DISEASE, INFIRMITY OR IMPAIRMENT OF A FIREFIGHTER'S OR FIRE  
23 INVESTIGATOR'S HEALTH THAT IS CAUSED BY BUCCAL CAVITY, PHARYNX, ESOPHAGUS,  
24 LARGE INTESTINE, LUNG, KIDNEY, PROSTATE, SKIN, STOMACH, OVARIAN, BREAST OR  
25 TESTICULAR CANCER OR NON-HODGKIN'S LYMPHOMA, MULTIPLE MYELOMA OR MALIGNANT  
26 MELANOMA AND THAT RESULTS IN DISABILITY OR DEATH IS PRESUMED TO BE AN  
27 OCCUPATIONAL DISEASE AS DEFINED IN SECTION 23-901, PARAGRAPH 13,  
28 SUBDIVISION (c) AND IS DEEMED TO ARISE OUT OF EMPLOYMENT.

29 B. THE PRESUMPTIONS PROVIDED IN SUBSECTION A OF THIS SECTION ARE  
30 GRANTED IF ALL OF THE FOLLOWING APPLY:

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

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

36 3. FOR THE PRESUMPTION PROVIDED IN SUBSECTION A, PARAGRAPH 2 OF  
37 THIS SECTION AND FOR FIREFIGHTERS ONLY, THE FIREFIGHTER RECEIVED A  
38 PHYSICAL EXAMINATION THAT IS REASONABLY ALIGNED WITH THE NATIONAL FIRE  
39 PROTECTION ASSOCIATION STANDARD ON COMPREHENSIVE OCCUPATIONAL MEDICAL  
40 PROGRAM FOR FIRE DEPARTMENTS (NFPA 1582).

41 C. SUBSECTION A OF THIS SECTION APPLIES TO BOTH OF THE FOLLOWING:

42 1. FIREFIGHTERS OR FIRE INVESTIGATORS CURRENTLY IN SERVICE.

43 2. FORMER FIREFIGHTERS OR FIRE INVESTIGATORS WHO ARE SIXTY-FIVE  
44 YEARS OF AGE OR YOUNGER AND WHO ARE DIAGNOSED WITH A CANCER THAT IS LISTED  
45 IN SUBSECTION A OF THIS SECTION NOT MORE THAN FIFTEEN YEARS AFTER THE



1 FIREFIGHTER'S OR FIRE INVESTIGATOR'S LAST DATE OF EMPLOYMENT AS A  
2 FIREFIGHTER OR FIRE INVESTIGATOR.

3 D. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO CANCERS OF THE  
4 RESPIRATORY TRACT IF THERE IS EVIDENCE THAT THE FIREFIGHTER'S OR FIRE  
5 INVESTIGATOR'S EXPOSURE TO CIGARETTES OR TOBACCO PRODUCTS OUTSIDE OF THE  
6 SCOPE OF THE FIREFIGHTER'S OR FIRE INVESTIGATOR'S OFFICIAL DUTIES IS A  
7 SUBSTANTIAL CONTRIBUTING CAUSE IN THE DEVELOPMENT OF THE CANCER.

8 E. THE PRESUMPTION PROVIDED IN SUBSECTION A OF THIS SECTION MAY BE  
9 REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT THERE IS A SPECIFIC CAUSE  
10 OF THE CANCER OTHER THAN AN OCCUPATIONAL EXPOSURE TO A CARCINOGEN AS  
11 DEFINED BY THE INTERNATIONAL AGENCY FOR RESEARCH ON CANCER.

12 F. FOR THE PURPOSES OF THIS SECTION:

13 1. "FIREFIGHTER" MEANS A FULL-TIME FIREFIGHTER WHO WAS REGULARLY  
14 ASSIGNED TO HAZARDOUS DUTY.

15 2. "FIRE INVESTIGATOR" MEANS A PERSON WHO IS EMPLOYED FULL-TIME BY  
16 A MUNICIPALITY OR FIRE DISTRICT AND WHO IS TRAINED IN THE PROCESS OF AND  
17 RESPONSIBLE FOR DETERMINING THE ORIGIN, CAUSE AND DEVELOPMENT OF A FIRE OR  
18 EXPLOSION.

19 Sec. 7. Title 23, chapter 6, article 4, Arizona Revised Statutes,  
20 is amended by adding section 23-971, to read:

21 23-971. Firefighter and fire investigator cancer claim  
22 information; data sharing; definitions

23 A. ALL INSURANCE CARRIERS, SELF-INSURING EMPLOYERS AND WORKERS'  
24 COMPENSATION POOLS SECURING WORKERS' COMPENSATION FOR FIREFIGHTERS AND  
25 FIRE INVESTIGATORS PURSUANT TO THIS CHAPTER SHALL COMPILE AND REPORT TO  
26 THE COMMISSION CLAIM AND CLAIM RESERVE INFORMATION FOR ALL CANCER-RELATED  
27 CLAIMS FILED BY OR ON BEHALF OF FIREFIGHTERS AND FIRE INVESTIGATORS.

28 B. THE INFORMATION REQUIRED BY SUBSECTION A OF THIS SECTION SHALL  
29 INCLUDE ALL OF THE FOLLOWING:

30 1. THE TYPE OF CANCER.

31 2. THE TOTAL CLAIM COSTS.

32 3. THE CLAIM RESERVED BY THE INSURANCE CARRIER, SELF-INSURING  
33 EMPLOYER OR WORKERS' COMPENSATION POOL.

34 4. ANY OTHER INFORMATION REQUESTED BY THE COMMISSION.

35 C. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, THE  
36 COMMISSION MAY NOT REQUIRE OR OBTAIN ANY PERSONALLY IDENTIFIABLE  
37 INFORMATION FOR ANY CLAIMANT.

38 D. THE COMMISSION SHALL COMPILE AND MAKE AVAILABLE TO INSURANCE  
39 CARRIERS, RATING ORGANIZATIONS, EMPLOYERS, PUBLIC SAFETY WORKERS AND  
40 WORKERS' COMPENSATION POOLS THE CLAIM-RELATED INFORMATION COLLECTED  
41 PURSUANT TO THIS SECTION TO ASSIST WITH THE SETTING OF WORKERS'  
42 COMPENSATION INSURANCE RATES AND TO ENSURE THE ADEQUATE RESERVING FOR  
43 CANCER CLAIMS FOR THE CLASS CODES ASSOCIATED WITH FIREFIGHTERS AND FIRE  
44 INVESTIGATORS.



SB-1451

# Governor Ducey Signs Legislation Supporting Firefighters With Cancer

## News Release

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April 14, 2021

### *Senate Bill 1451 Expands Firefighters' Protections*

**PHOENIX** — Governor Doug Ducey today signed legislation to further protect Arizona's firefighters and fire investigators by expanding workers' compensation for diseases presumed to be a result of their job demands and requirements.

Senate Bill (SB) 1451 strengthens the presumption that a firefighter's cancer diagnosis is work related thereby ensuring that more firefighters are eligible for worker's compensation and can spend more time focusing on their health and family and less time fighting with cities and insurance companies for their benefits.

This bill also protects female firefighters and fire investigators by adding breast cancer and ovarian cancer to the list of qualifying cancers to ensure that they have access to the same benefits and protections as their male co-workers.

"Firefighters and other first responders dedicate countless hours to protecting our communities and keeping Arizonans safe," said Governor Ducey. "It's our job to protect them too. This bill expands protection for diseases acquired through the job, and helps ensure our safety professionals receive the support and resources they need."



Previously, to qualify for the presumption, a firefighter or peace officer must have passed a physical examination before employment that did not indicate evidence of cancer, been assigned to hazardous duty for at least five years, and documented with the department an exposure to a known carcinogen that is reasonably related to cancer. Firefighters were burdened with identifying exactly when and where they were exposed to a carcinogen that caused their cancer, which is why SB 1451 removes that specific requirement.

“The signing of Senate Bill 1451 is a huge win for Arizona’s firefighters and fire investigators that also includes female cancers,” said Senator Boyer. “They do so much to protect our communities, and I was proud to sponsor legislation that helps protect them. My thanks to Governor Ducey for signing this important bill.”

SB 1451 is supported by various organizations in the state, including: the cities of Phoenix, Mesa and Scottsdale; the Town of Queen Creek; Professional Firefighters Of Arizona; Arizona Fire Chiefs; Arizona Conference Of Police & Sheriffs; Fraternal Order Of Police (Arizona State Lodge); Arizona State AFL-CIO; League Of Arizona Cities & Towns; and Arizona Coalition For Working Families.

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