

Table 1

Occupational Disease Presumption Laws In Comparator States				
State	WC or Disability Retirement	Public Servants Covered	Covered Diseases	Requirements to Obtain Presumption
Alaska	Title 23 - Workers' Compensation	Firefighters	Respiratory disease; cardiovascular events that are experienced within 72 hours after exposure to smoke, fumes, or toxic substances; primary brain cancer; malignant melanoma; leukemia; non-Hodgkin's lymphoma; bladder cancer; ureter cancer; kidney cancer; and prostate cancer.	Rebuttable presumption and evidence may include the use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities. Presumption extends for a period of three calendar months for each year of requisite service but may not extend more than 60 calendar months following the last date of employment. Applies only to active or former firefighter after they have served in the state for at least seven years and who was given a qualifying medical examination upon becoming a fire fighter that did not show evidence of the disease. In regards to cancers, the firefighter demonstrates that while in the course and scope of their employment as a firefighter, they were exposed to a known carcinogen as devinged by the International Agency for Research on Cancer or the National Toxilological program and the carcinogen is associated with a disabling cancer. Does not apply to a firefighter who develops a cardiovascular or lung condition and who has a history of tobacco product use...
Idaho	Title 72 - Workers Compensation	Firefighters for (1) and any occupation involving exposure to human blood or body fluids for (2)	(1)Cardiovascular or pulmonary or respiratory diseases;(2) AIDS; ARC; HIV; infectious hepatitis; and tuberculosis	Must be a paid firefighter employed by a municipality, village, or fire district as a regular member of a lawfully established fire department and caused by overexertion in times of stress or danger or by proximate exposure or by cumulative exposure over a period of four (4) years or more to heat, smoke, chemical fumes or other toxic gases arising directly out of and in the course of employment. (May cover additional conditions even if they are not listed if they are no common to the general public)
Montana	19-13-802; 19-13-803; 19-13-804; 19-17-401; 19-13-103 Disability (Firefighters Unified Retirement System)	Firefighters	Every fire department relief association may allow its members benefits for service pensions; for a member who has suffered an injury in line of duty; who has contracted sickness in line of duty; funeral expenses of a member; pensions to surviving spouse or orphans of a deceased member;	A member is entitled to a disability retirement benefit, regardless of the length of service beginning on the first day after the date on which the member became disabled and terminated service because of the disability.
New Mexico	Title 52 - Workers' Compensation (52-3-32.1)	Firefighter	See notes below	Fulltime, non-volunteer employed by the state or a local government entity.
North Dakota	Title 65 - Workers' Compensation	Fulltime paid firefighters and law enforcement officers	Lung or respiratory disease; hypertension; heart disease; exposure to blood borne pathogen; or occupational cancer	Must have completed 5 years of continuous service and has successfully passed a medical examination which fails to reveal any evidence of such a condition. Does not include a condition or impairment of health of a fulltime paid firefighter or law enforcement officer who has been employed for ten years or less, if the condition is diagnosed more than two years after the employment as a fulltime paid firefighter or law enforcement officer ends, or if they have been employed for more than ten years if the condition is diagnosed more than five years after the employment ends.

Oregon	Chapter 656-Workers' Compensation	Firefighters	Lung or respiratory disease; hypertension or cardio-renal disease; brain cancer; colon cancer; stomach cancer; testicular cancer; prostate cancer; multiple myeloma; non-Hodgkin's lymphoma; cancer of the throat or mouth; rectal cancer; breast cancer; or leukemia	Applies to a non-volunteer firefighter of any political subdivision who has completed 5 or more years of employment as a firefighter and caused by any disease of the lungs or respiratory tract, hypertension, or cardiovascular-renal disease. Must have had a physical examination upon becoming a firefighter, or subsequent thereto, which failed to reveal any evidence of such condition which preexisted employment. Denial of such claim arising under this section must be on the basis of clear and convincing medical evidence that the cause of the condition or impairment is unrelated to the firefighter's employment. Occupationally presumed cancers must be first diagnosed by a physician after July 1, 2009. Prostrate cancer is not covered if the diagnosis occurs after age 55.
South Dakota	Title 9 Municipal Government; Chapter 16 - City Retirement Systems and Pensions (9-16-3.3)	Firefighters	Hypertension, heart disease or respiratory disease and cancer	Must have successfully competed a physical examination on entering into such service which failed to reveal any evidence of such condition shall be presumed to have been suffered in the line of duty unless shown by competent evidence.
Washington	Title 51.32.185 - Workers' Compensation and Title 41 Law Enforcement and Firefighters' retirement system	Firefighters and it appears law enforcement officers	Respiratory disease; heart problems that are experienced within 72 hours after exposure to smoke, fumes, or toxic substances; primary brain cancer; malignant melanoma; leukemia; non-Hodgkin's lymphoma; bladder cancer; ureter cancer; kidney cancer; and infectious diseases	Rebuttable presumption for fulltime, paid firefighters and evidence to rebut may include the use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities. Presumption extends for a period of three calendar months for each year of requisite service but may not extend more than 60 calendar months following the last date of employment. Cancer presumption applies only to active or former firefighters after they have served for at least ten years and who was given a qualifying medical examination upon becoming a fire fighter that did not show evidence of the disease.
Wyoming	Title 9-3-422 Disability Retirement	Firefighters and it appears law enforcement officers	In accordance with rules and regulations adopted by the board	Any member in service who has ten or more years of service credit during which contributions have been paid because of illness or injury outside of or in the scope of employment may retire...

Notes:

New Mexico - Brain cancer after 10 years; bladder cancer after 12 years; kidney cancer after 15 years; colorectal cancer after 10 years; non-Hodgkin's lymphoma after 15 years; leukemia after 5 years; ureter cancer after twelve years; testicular cancer after 5 years if diagnosed before the age of 40 with no evidence of anabolic steroids or human growth hormone use; breast cancer after 5 years if diagnosed before the age of 40 without a breast cancer 1 or breast cancer2 genetic predisposition; esophageal cancer after 10 years; multiple myeloma after 15 years; hepatitis tuberculosis, diphtheria; meningococcal disease; and methicillin-resistant staphylococcus aureus appearing and diagnosed after entry into employment; heart injury or stroke suggested within 24 hours of fighting a fire, while responding to or performing in a non-fire emergency;

Sources: All information in this table was obtained from data contained on the International Association of Firefighter's web site located at www.iaff.org with the exception of the New Mexico information which was found at www.conwaygreene.com