

Revised Statutes

Title 33 Municipalities and Parishes

Sec. 33:1948. Development of Hepatitis B or Hepatitis C during employment in fire or police service; occupational disease

Sec. 33:2011. Development of cancer during employment in fire service; occupational disease

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RS 33:2581

PART IV. MISCELLANEOUS PROVISIONS

§2581. Development of heart and lung disease during employment in classified fire service; occupational disease

Any disease or infirmity of the heart or lungs which develops during a period of employment in the classified fire service in the state of Louisiana shall be classified as a disease or infirmity connected with employment. The employee affected, or his survivors, shall be entitled to all rights and benefits as granted by the laws of the state of Louisiana to which one suffering an occupational disease is entitled as service connected in the line of duty, regardless of whether the fireman is on duty at the time he is stricken with the disease or infirmity. Such disease or infirmity shall be presumed, prima facie, to have developed during employment and shall be presumed, prima facie, to have been caused by or to have resulted from the nature of the work performed whenever same is manifested at any time after the first five years of employment.

Added by Acts 1968, No. 337, §1. Amended by Acts 1975, No. 30, §1.

RS 33:2581.1

§2581.1. Development of hearing loss during employment in the classified fire service; occupational disease

A. Any loss of hearing which is ten percent greater than that of the affected employee's comparable age group in the general population and which develops during employment in the classified fire service in the state of Louisiana shall, for purposes of this Section only, be classified as a disease or infirmity connected with employment. The employee affected shall be entitled to medical benefits including hearing prosthesis as granted by the laws of the state of Louisiana to which one suffering an occupational disease is entitled, regardless of whether the fireman is on duty at the time he is stricken with the loss of hearing. Such loss of hearing shall be presumed to have developed during employment and shall be presumed to have been caused by or to have resulted from the nature of the work performed whenever same is manifested at any time after the first five years of employment in such classified service. This presumption shall be rebuttable by evidence meeting judicial standards and shall be extended to an employee following termination of service for a period of twenty-four months.

B. Each person selected for appointment to an entry level position in the classified fire service on July 1, 2006, or thereafter shall submit to a baseline audiology examination. The appointing authority shall develop and implement policies and procedures for the administration of such examination. Such examination shall take place not later than one year after the selection of such person for such appointment.

Acts 2006, No. 649, §2, eff. July 1, 2006.

RS 33:2011

SUBPART B-2. MISCELLANEOUS PROVISIONS RELATIVE TO FIREMEN

§2011. Development of cancer during employment in fire service; occupational disease

A.(1) Because of exposure to heat, smoke, and fumes or carcinogenic, poisonous, toxic, or chemical substances, when a firefighter in the classified service who has completed ten or more years of service has developed cancer, the cancer shall be classified as an occupational disease or infirmity connected with the duties of a firefighter. The disease or infirmity shall be presumed to have been caused by or to have resulted from the work performed. This presumption shall be rebuttable by evidence meeting judicial standards.

(2) For a firefighter who terminates his service prior to January 1, 2023, this presumption shall be extended to the member following termination of service for a period of three months for each full year of service not to exceed sixty months commencing with the last actual date of service.

(3) For a firefighter who is active or who terminates his service on or after January 1, 2023, the disease or infirmity shall be presumed to have been caused by or to have resulted from the work performed, only if the cancer diagnosis is made prior to the firefighter reaching the age of sixty-five. Following termination of service for a period of one hundred twenty months, commencing with the last actual date of service, the presumption shall be extended to the following members:

(a) A firefighter who is employed in the fire service for at least ten years and attains the age of fifty-five.

(b) A firefighter who is employed in the fire service for at least twenty years and attains the age of fifty.

(c) A firefighter who is employed in the fire service for at least twenty-five years.

(d) A firefighter who is employed in the fire service for at least ten years and who is subsequently approved for disability retirement by a public retirement system.

B. The cancer referred to in Subsection A of this Section shall be limited to the types of cancer which may be caused by exposure to heat, smoke, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer. The cancer shall also be limited to a cancer originating in the bladder, brain, colon, liver, pancreas, skin, kidney, or gastrointestinal or reproductive tract, and leukemia, lymphoma, multiple myeloma, prostate cancer, and testicular cancer, or any other type of cancer, due to occupational exposure, for which firefighters are determined to have a statistically significant increased risk over that of the general population.

C. The affected employee or his survivors shall be entitled to all rights and benefits as granted by state law to which one suffering an occupational injury is entitled as service connected in the line of duty.

D. The provisions of this Section shall not be construed to affect in any way the provisions of R.S. 33:2581.

E. For claims arising under this Section, the obligation of the employer to provide such care, services, treatment, drugs, and supplies, whether in state or out of state, is limited to the reimbursement determined to be the amount due under Medicare times a multiplier of one and one-half, or the actual charge made for the service, whichever is less. If there is no Medicare fee schedule reimbursement amount for a particular care, service, treatment, drug, or supply, the reimbursement shall be in accordance with R.S. 23:1034.2.

Acts 1995, No. 214, §1; Acts 2004, No. 641, §1; Acts 2017, No. 287, §1; Acts 2022, No. 516, §1.

RS 33:1948

§1948. Development of Hepatitis B or Hepatitis C during employment in fire or police service; occupational disease

A. Because of exposure to blood and saliva of accident and crime victims, when a firefighter or policeman in the classified service, who has completed two or more years of service, has contracted Hepatitis B or Hepatitis C, such disease shall be deemed an occupational disease or infirmity connected with the duties of a firefighter or policeman. The disease or infirmity shall be presumed to have been caused or to have resulted from such work performed. The presumption shall be rebuttable by evidence meeting judicial standards, and shall be extended to a member following termination of service for a period of three months for each full year of service not to exceed sixty months commencing with the last actual date of service. The presumption shall also be rebuttable by evidence that the otherwise eligible affected member was at the time of diagnosis of Hepatitis B or C, or within one year of such diagnosis, unlawfully using controlled substances by means of intravenous injection, or lived in an intimate relationship with any person who has been diagnosed with Hepatitis B or C.

B. The affected member or his survivors shall be entitled to all rights and benefits as granted by state or federal law to which one suffering from an occupational disease is entitled as service connected in the line of duty.

C. The provisions of this Section shall not be construed to affect in any way the provisions of R.S. 33:2011 or R.S. 33:2581.

Acts 2001, No. 443, §1.