

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

716I0167

SENATE BILL NO. 196

Introduced by: Senators Koetzle, Kloucek, and Sutton (Dan) and Representatives Miles and Lintz

1 FOR AN ACT ENTITLED, An Act to establish a presumption regarding occupational diseases
2 affecting firefighters.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 62-8 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 For any firefighter as defined by § 13-55-21 who is covered by the provisions of this chapter,
7 there is a prima facie presumption that any of the following is an occupational disease covered
8 by this chapter:

9 (1) Any respiratory disease;

10 (2) Any heart problem that is experienced within seventy-two hours of exposure to
11 smoke, fumes, or toxic substances; and

12 (3) Any cancer.

13 This presumption of an occupational disease may be rebutted by a preponderance of the
14 evidence controverting the presumption.

15 Section 2. That chapter 62-8 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 The presumption with regard to cancer established pursuant to this Act applies only to any
3 active or former firefighter who has cancer that develops or manifests itself after the firefighter
4 has served at least five years and who was given a qualifying medical examination upon
5 becoming a firefighter that showed no evidence of cancer. The presumption only applies to
6 primary brain cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer,
7 ureter cancer, and kidney cancer.