

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2055

Introduced by

Legislative Council

(Workers' Compensation Review Committee)

1 A BILL for an Act to amend and reenact subsection 1 of section 65-01-15.1 of the North Dakota
2 Century Code, relating to the burden of proof under the workers' compensation firefighter's and
3 law enforcement officer's presumption.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 65-01-15.1 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 1. Any condition or impairment of health of a full-time paid firefighter or law
8 enforcement officer caused by lung or respiratory disease, hypertension, heart
9 disease, or an exposure to a bloodborne pathogen as defined by section
10 23-07.5-01 occurring in the course of employment, or occupational cancer in a
11 full-time paid firefighter, resulting in total or partial disability or death is presumed to
12 have been suffered in the line of duty. ~~The condition or impairment of health may~~
13 ~~not be attributed to any disease existing before that total or partial disability or~~
14 ~~death unless the contrary is shown by competent evidence. The presumption may~~
15 be rebutted by clear and convincing evidence the condition or impairment is not
16 work-related.