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TITLE 72
WORKER'S COMPENSATION AND RELATED LAWS – INDUSTRIAL COMMISSION
CHAPTER 4
BENEFITS

72-438. OCCUPATIONAL DISEASES. [EFFECTIVE UNTIL JULY 1, 2021] Compensation shall be payable for disability or death of an employee resulting from the following occupational diseases:

(14) Firefighter occupational diseases:

(a) As used in this subsection, "firefighter" means an employee whose primary duty is that of extinguishing or investigating fires as part of a fire district, fire department or fire brigade.

(b) If a firefighter is diagnosed with one (1) or more of the following diseases after the period of employment indicated in subparagraphs (i) through (xi) of this paragraph, and the disease was not revealed during an initial employment medical screening examination that was performed according to such standards and conditions as may be established at the sole discretion of the governing board having authority over a given fire district, fire department, or fire brigade, then the disease shall be presumed to be proximately caused by the firefighter's employment as a firefighter:

(i) Brain cancer after ten (10) years;

(ii) Bladder cancer after twelve (12) years;

(iii) Kidney cancer after fifteen (15) years;

(iv) Colorectal cancer after ten (10) years;

(v) Non-Hodgkin's lymphoma after fifteen (15) years;

(vi) Leukemia after five (5) years;

(vii) Mesothelioma after ten (10) years;

(viii) Testicular cancer after five (5) years if diagnosed before the age of forty (40) years with no evidence of anabolic steroids or human growth hormone use;

(ix) Breast cancer after five (5) years if diagnosed before the age of forty (40) years without a breast cancer 1 or breast cancer 2 genetic predisposition to breast cancer;

(x) Esophageal cancer after ten (10) years; and

(xi) Multiple myeloma after fifteen (15) years.

(c) The presumption created in this subsection may be overcome by substantial evidence to the contrary. If the presumption is overcome by

substantial evidence, then the firefighter or the beneficiaries must prove that the firefighter's disease was caused by his or her duties of employment.

(d) The presumption created in this subsection shall not preclude a firefighter from demonstrating a causal connection between employment and disease or injury by a preponderance of evidence before the Idaho industrial commission.

(e) The presumption created in this subsection shall not apply to any specified disease diagnosed more than ten (10) years following the last date on which the firefighter actually worked as a firefighter as defined in paragraph (a) of this subsection. Nor shall the presumption apply if a firefighter or a firefighter's cohabitant has regularly and habitually used tobacco products for ten (10) or more years prior to the diagnosis.

(f) The periods of employment described in paragraph (b) of this subsection refer to periods of employment within the state of Idaho.

Recognizing that additional toxic or harmful substances or matter are continually being discovered and used or misused, the above enumerated occupational diseases are not intended to be exclusive, but such additional diseases shall not include hazards that are common to the public in general and that are not within the meaning of section [72-102](#)(22)(a), Idaho Code, and the diseases enumerated in subsection (12) of this section pertaining to firefighters shall not be subject to the limitations prescribed in section [72-439](#), Idaho Code.