

Firefighters and Law Enforcement Officers:

65-01-15.1 Presumption of compensability for certain conditions of full time paid firefighters and law enforcement officers:

Any condition or impairment of health of a full time paid firefighter or law enforcement officer caused by lung or respiratory disease, hypertension, heart disease, or an exposure to a bloodborne pathogen as defined by section 23-07.5-01 occurring in the course of employment, or occupational cancer in a full time paid firefighter resulting in total or partial disability or death is presumed to have been suffered in the line of duty. The condition or impairment of health may not be attributed to any disease existing before that total or partial disability or death unless the contrary is shown by competent evidence.

A full time paid firefighter or law enforcement officer is not eligible for the benefit provided under this section unless that full time paid firefighter or law enforcement officer has completed five years of continuous service and has successfully passed a medical examination which fails to reveal any evidence of such a condition. After the initial examination, an employer shall require at least a periodic medical examination, as follows:

- 1-10 years of service- every 5 years
- 11-20 years of service-every 3 years
- 21+ years of service-every 1 year

The medical examination, at a minimum must consist of:

A general medical history of the individual and the individual's family.
An occupational history including contact with and an exposure to hazardous materials, toxic products, contagious and infectious diseases, and to physical hazards.
A physical examination including height, weight, and blood pressure, laboratory and diagnostic procedures including a nonfasting total blood cholesterol test and papanicolaou smear for women.

65-01-15 Yearly documentation required for firefighter and law enforcement officer:

Except for benefits for an exposure to a bloodborne pathogen as defined by section 23-07.5-01 occurring in the course of employment, a full time paid firefighter or law enforcement officer who uses tobacco is not eligible for the benefits provided under section 65-01-15.1 unless the full time paid firefighter or law enforcement officer provides yearly documentation from a physician which indicates that the employee has not used tobacco for the preceding two years.