61.315 Benefits payable on death of certain peace officers, firefighters, correctional officers, jailers, members of a state National Guard or Reserve component, and emergency medical services personnel -- Administrative regulations -- Estates to be exempted from probate fees -- Funds allotted to a self-insuring account -- Presumption that firefighter's cause of death is as a result of cancer under certain conditions.

(1) As used in this section:

(b) "Firefighter" means every paid firefighter or volunteer firefighter who is employed by or volunteers his or her services to the state, airport board created pursuant to KRS Chapter 183, any county, city, fire district, or any other organized fire department recognized, pursuant to KRS 95A.262, as a fire department operated and maintained on a nonprofit basis in the interest of the health and safety of the inhabitants of the Commonwealth and shall include qualified civilian firefighters employed at Kentucky-based military installations;

(11) (a) For the purposes of this section, if a firefighter dies as a result of cancer, the death shall be a direct result of an act in the line of duty if the firefighter:
1. Was a firefighter for at least five (5) consecutive years;
2. Developed one (1) or more of the cancers listed in paragraph (b) of this subsection which caused the firefighter's death within ten (10) years of separation from service as a firefighter;
3. Did not use tobacco products for a period of ten (10) years prior to the diagnosis of cancer;
4. Was under the age of sixty-five (65) at the time of death;
5. Was not diagnosed with any cancer prior to employment as a firefighter; and
6. Was exposed while in the course of firefighting to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program, and the carcinogen is reasonably associated with one (1) or more of the cancers listed in paragraph (b) of this subsection.
(b) This section shall apply to the following cancers:
1. Bladder cancer;
2. Brain cancer;
3. Colon cancer;
4. Non-Hodgkin's lymphoma;
5. Kidney cancer;
6. Liver cancer;
7. Lymphatic or haematopoietic cancer;
8. Prostate cancer;
9. Testicular cancer;
10. Skin cancer;
11. Cervical cancer; and

(c) 1. The provisions of this subsection creating an entitlement to the line of duty death benefits shall apply exclusively to this section and shall not be interpreted or otherwise construed to create either an express or implied presumption of work-relatedness for any type of claim filed pursuant to KRS Chapter 342.

2. This paragraph is intended to provide clarification regarding the sole and exclusive application of this subsection to only the benefits available under this section and shall not be used as a bar or other type of limitation to impair or alter the rights and ability of a claimant to prove work-relatedness under KRS Chapter 342 or other laws.