

Regular Session, 2014

SENATE BILL NO. 538

BY SENATORS JOHN SMITH, ALLAIN, BUFFINGTON, CLAITOR, DORSEY-COLOMB, ERDEY, GUILLORY, HEITMEIER, MILLS AND NEVERS

MILITARY AFFAIRS. Establishes the Military Airborne Hazards and Open Burn Pit Registry. (8/1/14)

AN ACT

To enact Part III-B of Chapter 2 of Title 29 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 29:331, relative to the Military Airborne Hazards and Open Burn Pit Registry; to provide for the duties and powers of the secretary of the Department of Veterans Affairs; to provide terms, conditions and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part III-B of Chapter 2 of Title 29 of the Louisiana Revised Statutes of 1950, comprised of R.S. 29:331, is hereby enacted to read as follows:

PART III- B MILITARY AIRBORNE HAZARDS AND

OPEN BURN PIT REGISTRY

§331. Military Airborne Hazards and Open Burn Pit Registry; creation; duties and powers

For the purposes of outreach, education, and advocacy for Louisiana service members and veterans who have been exposed to open burn pit smoke or other airborne hazards during their service in Operation Iraqi Freedom, Operation Enduring Freedom, Operation New Dawn, the Gulf War 1990-1991,

1 or other conflicts or theaters which may subsequently be identified, the
2 secretary of the Department of Veterans Affairs shall:

3 (1) Monitor the most current published epidemiological studies and
4 recommendations arising as a requirement of 38 U.S.C. 527, as well as any
5 developments in the study and treatment of conditions associated with exposure
6 to toxic airborne chemicals and fumes caused by open burn pits.

7 (2) Create a database of self-identifying service members and veterans
8 who have been exposed to burn pits, that shall include the name, address,
9 electronic address, phone number, location and period of service, and any other
10 information as deemed necessary by the secretary of the Department of
11 Veterans Affairs.

12 (3) Establish and maintain a public information program in order to
13 educate and inform service members, veterans, and their families regarding:

14 (a) The most recent scientific developments on the health effects of
15 exposure to open burn pit smoke or other airborne hazards.

16 (b) Availability of possible treatments for their conditions.

17 (c) Applying for service-connected disability compensation for any
18 possible illnesses or conditions related to exposure to open burn pit smoke or
19 other airborne hazards, including the current status on related presumptive
20 conditions or diseases as designated by the United States Department of
21 Veterans Affairs.

22 (d) Appealing an existing disability rating decision or requesting an
23 upgrade in disability rating from the United States Department of Veterans
24 Affairs.

The original instrument was prepared by Heyward Jeffers. The following digest, which does not constitute a part of the legislative instrument, was prepared by Christopher D. Adams.

DIGEST

John Smith (SB 538)

Proposed law establishes the Military Airborne Hazards and Open Burn Pit Registry.

Proposed law establishes the areas of service eligibility as the Gulf War of 1990-1991, Operation Iraqi Freedom, Operation Enduring Freedom, Operation New Dawn, or other conflicts or theaters of war which may subsequently be identified.

Proposed law provides that the secretary of the Department of Veterans Affairs will monitor the most current published epidemiological studies and recommendations arising as a requirement of 38 U.S.C. 527, and any developments in the study and treatment of conditions associated with exposure to airborne chemicals and fumes caused by open burn pits.

Proposed law provides that the secretary will create a database of service members and veterans who have been exposed to burn pits, including the name, address, electronic address, phone number, location and the period of service, and any other information deemed necessary by the secretary.

Proposed law requires the secretary to establish and maintain a public information program in order to educate and inform service members, veterans, and their families regarding:

1. The most recent scientific developments on the effects of exposure to open burn pit smoke or other airborne hazards.
2. Availability of possible treatments for their conditions.
3. Applying for service-connected disability compensation.
4. Appealing an existing disability rating decision or requesting an upgrade in disability rating from the U. S. Department of Veterans Affairs.

Effective August 1, 2014.

(Adds R.S. 29:331)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Changes R.S. 29:330 to R.S. 29:331.
2. Makes technical corrections.