

ASSEMBLY BILL NO. 451—COMMITTEE ON
COMMERCE AND LABOR

MARCH 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Clarifies provisions governing compensation for certain firemen who develop disabling cancer as occupational disease. (BDR 53-1197)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to occupational diseases; clarifying provisions governing compensation for certain firemen who develop disabling cancer as an occupational disease; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 617.453 is hereby amended to read as follows:
2 617.453 1. Notwithstanding any other provision of this
3 chapter, cancer, resulting in either temporary or permanent
4 disability, or death, is an occupational disease and compensable as
5 such under the provisions of this chapter if:
6 (a) The cancer develops or manifests itself out of and in the
7 course of the employment of a person who, for 5 years or more, has
8 been:
9 (1) Employed in this state in a full-time salaried occupation
10 of fire fighting for the benefit or safety of the public; or
11 (2) Acting as a volunteer fireman in this state and is entitled
12 to the benefits of chapters 616A to 616D, inclusive, of NRS
13 pursuant to the provisions of NRS 616A.145; and
14 (b) It is demonstrated that:



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1 (1) He was exposed, while in the course of the employment,
2 to a known carcinogen as defined by the International Agency for
3 Research on Cancer or the National Toxicology Program; and

4 (2) The carcinogen is reasonably associated with the
5 disabling cancer.

6 2. *With respect to a person who, for 5 years or more, has been*
7 *employed in this state in a full-time salaried occupation of fire*
8 *fighting for the benefit or safety of the public, the following*
9 *substances shall be deemed, for the purposes of paragraph (b) of*
10 *subsection 1, to be known carcinogens that are reasonably*
11 *associated with the following disabling cancers:*

12 (a) *Diesel exhaust, formaldehyde and polycyclic aromatic*
13 *hydrocarbon shall be deemed to be known carcinogens that are*
14 *reasonably associated with bladder cancer.*

15 (b) *Acrylonitrile, formaldehyde and vinyl chloride shall be*
16 *deemed to be known carcinogens that are reasonably associated*
17 *with brain cancer.*

18 (c) *Diesel exhaust and formaldehyde shall be deemed to be*
19 *known carcinogens that are reasonably associated with colon*
20 *cancer.*

21 (d) *Formaldehyde shall be deemed to be a known carcinogen*
22 *that is reasonably associated with Hodgkin's lymphoma.*

23 (e) *Formaldehyde and polycyclic aromatic hydrocarbon shall*
24 *be deemed to be known carcinogens that are reasonably associated*
25 *with kidney cancer.*

26 (f) *Chloroform, soot and vinyl chloride shall be deemed to be*
27 *known carcinogens that are reasonably associated with liver*
28 *cancer.*

29 (g) *Acrylonitrile, benzene, formaldehyde, polycyclic aromatic*
30 *hydrocarbon, soot and vinyl chloride shall be deemed to be known*
31 *carcinogens that are reasonably associated with lymphatic or*
32 *haemotopoietic cancer.*

33 3. *The provisions of subsection 2 do not create an exclusive*
34 *list and do not preclude any person from demonstrating, on a*
35 *case-by-case basis for the purposes of paragraph (b) of subsection*
36 *1, that a substance is a known carcinogen that is reasonably*
37 *associated with a disabling cancer.*

38 4. Compensation awarded to the employee or his dependents
39 for disabling cancer pursuant to ~~subsection 1~~ *this section* must
40 include:

41 (a) Full reimbursement for related expenses incurred for medical
42 treatments, surgery and hospitalization ~~in~~ *in accordance with the*
43 *schedule of fees and charges established pursuant to NRS*
44 *616C.260 or, if the insurer has contracted with an organization for*
45 *managed care or with providers of health care pursuant to NRS*



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1 *616B.527, the amount that is allowed for the treatment or other*
2 *services under that contract; and*

3 (b) The compensation provided in chapters 616A to 616D,
4 inclusive, of NRS for the disability or death.

5 ~~3.4~~ 5. Disabling cancer is presumed to have developed or
6 manifested itself out of and in the course of the employment of any
7 fireman described in this section. This *rebuttable* presumption
8 applies to disabling cancer diagnosed after the termination of the
9 person's employment if the diagnosis occurs within a period, not to
10 exceed 60 months, which begins with the last date the employee
11 actually worked in the qualifying capacity and extends for a period
12 calculated by multiplying 3 months by the number of full years of
13 his employment. This *rebuttable* presumption must control the
14 awarding of benefits pursuant to this section unless evidence to
15 ~~{dispute}~~ *rebut* the presumption is presented.

16 6. *The provisions of this section do not create a conclusive*
17 *presumption.*

