

ASSEMBLY BILL NO. 521—COMMITTEE ON COMMERCE AND LABOR

MARCH 23, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing coverage for cancer as an occupational disease of firefighters. (BDR 53-278)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; revising provisions governing coverage for cancer as an occupational disease of certain firefighters; expanding the list of substances which are deemed to be known carcinogens that are reasonably associated with specific disabling cancers; removing the provision that coverage for cancer as an occupational disease applies only to a firefighter who has been employed for 5 years or more; requiring certain annual physical examinations of firefighters who qualify for coverage for cancer as an occupational disease; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, cancer which results in temporary disability, permanent
2 disability or death is an occupational disease and compensable as such under the
3 provisions of chapter 617 of NRS if the cancer develops or manifests itself out of
4 and in the course of employment of a person who, for 5 years or more, has been
5 employed as a full-time firefighter or has been acting as a volunteer firefighter and
6 who, during the course of the employment, was exposed to a known carcinogen that
7 is reasonably associated with the disabling cancer. Existing law also sets forth a list
8 of substances that shall be deemed to be known carcinogens that are reasonably
9 associated with specific disabling cancers. (NRS 617.453) This bill removes the
10 provision that coverage for cancer as an occupational disease applies only if a
11 firefighter has been employed for 5 years or more. This bill also expands the list of
12 substances which are deemed to be known carcinogens that are reasonably
13 associated with specific disabling cancers. In addition, this bill requires each
14 firefighter who qualifies for coverage for cancer as an occupational disease to
15 submit to an annual physical examination which includes a thyroid ultrasound scan



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16 and a prostate-specific antigen test, and requires the employer of the firefighter to
17 pay for the physical examination.

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,]~~
8 has 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 firefighter in this State and is
12 entitled 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:
15 (1) He was exposed, while in the course of the employment,
16 to a known carcinogen as defined by the International Agency for
17 Research on Cancer or the National Toxicology Program; and
18 (2) The carcinogen is reasonably associated with the
19 disabling cancer.
20 2. With respect to a person who ~~[, for 5 years or more,]~~ has
21 been employed in this State in a full-time salaried occupation of fire
22 fighting for the benefit or safety of the public, the following
23 substances shall be deemed, for the purposes of paragraph (b) of
24 subsection 1, to be known carcinogens that are reasonably
25 associated with the following disabling cancers:
26 (a) Diesel exhaust, formaldehyde and polycyclic aromatic
27 hydrocarbon shall be deemed to be known carcinogens that are
28 reasonably associated with bladder cancer.
29 (b) Acrylonitrile, formaldehyde and vinyl chloride shall be
30 deemed to be known carcinogens that are reasonably associated with
31 brain cancer.
32 (c) Diesel exhaust and formaldehyde shall be deemed to be
33 known carcinogens that are reasonably associated with colon cancer.
34 (d) Formaldehyde shall be deemed to be a known carcinogen
35 that is reasonably associated with Hodgkin's lymphoma.
36 (e) Formaldehyde and polycyclic aromatic hydrocarbon shall be
37 deemed to be known carcinogens that are reasonably associated with
38 kidney cancer.



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

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

(h) Diesel exhaust, soot, aldehydes and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with basal cell carcinoma, squamous cell carcinoma and malignant melanoma.

(i) Acrylonitrile, benzene and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with prostate cancer.

(j) Diesel exhaust, soot and polychlorinated biphenyls shall be deemed to be known carcinogens that are reasonably associated with testicular cancer.

(k) Diesel exhaust, benzene and X-ray radiation shall be deemed to be known carcinogens that are reasonably associated with thyroid cancer.

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

4. *Each employee who is to be covered for cancer pursuant to the provisions of this section shall submit to a physical examination, including a thyroid ultrasound scan and a prostate-specific antigen test, upon employment and thereafter on an annual basis during his employment.*

5. *All physical examinations required pursuant to subsection 4 must be paid for by the employer.*

6. Compensation awarded to the employee or his dependents for disabling cancer pursuant to this section must include:

(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization in accordance with the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract; and

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

~~15.1~~ 7. Disabling cancer is presumed to have developed or manifested itself out of and in the course of the employment of any firefighter described in this section. This rebuttable presumption



1 applies to disabling cancer diagnosed after the termination of the
2 person's employment if the diagnosis occurs within a period, not to
3 exceed 60 months, which begins with the last date the employee
4 actually worked in the qualifying capacity and extends for a period
5 calculated by multiplying 3 months by the number of full years of
6 his employment. This rebuttable presumption must control the
7 awarding of benefits pursuant to this section unless evidence to
8 rebut the presumption is presented.
9 ~~16.1~~ 8. The provisions of this section do not create a conclusive
10 presumption.
11 **Sec. 2.** This act becomes effective on July 1, 2009.

