

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; expanding the list of substances which are deemed to be known carcinogens that are reasonably associated with specific disabling cancers for the purposes of the provisions governing 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 expands the list
10 of substances which are deemed to be known carcinogens that are reasonably
11 associated with specific disabling cancers.

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:



(a) The cancer develops or manifests itself out of and in the course of the employment of a person who, for 5 years or more, has been:

(1) Employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public; or

(2) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; and

(b) It is demonstrated that:

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

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

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

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

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

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

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

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

(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 haematopoietic 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.



* A B 5 2 1 R 2 *

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

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

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

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

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

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

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

26 5. Disabling cancer is presumed to have developed or
27 manifested itself out of and in the course of the employment of any
28 firefighter described in this section. This rebuttable presumption
29 applies to disabling cancer diagnosed after the termination of the
30 person's employment if the diagnosis occurs within a period, not to
31 exceed 60 months, which begins with the last date the employee
32 actually worked in the qualifying capacity and extends for a period
33 calculated by multiplying 3 months by the number of full years of
34 his employment. This rebuttable presumption must control the
35 awarding of benefits pursuant to this section unless evidence to
36 rebut the presumption is presented.

37 6. The provisions of this section do not create a conclusive
38 presumption.

39 **Sec. 2.** This act becomes effective on July 1, 2009.

