

SENATE BILL NO. 215—SENATORS CANNIZZARO, SCHEIBLE, PARKS,
WOODHOUSE, ATKINSON; CANCELA, DENIS, DONDERO
LOOP, HARRIS, OHRENSCHALL AND SPEARMAN

FEBRUARY 18, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to occupational diseases.
(BDR 53-317)

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 compensation for certain employees who develop cancer as an occupational disease; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, cancer which results in temporary disability, permanent disability or death is an occupational disease and compensable as such under the provisions governing occupational diseases if the cancer develops or manifests itself out of and in the course of employment of a person who: (1) for 5 years or more, has been employed as a full-time firefighter or has been acting as a volunteer firefighter; and (2) during the course of the employment, was exposed to a known carcinogen that is reasonably associated with the disabling cancer. Existing law also sets forth: (1) a list of substances that are deemed to be known carcinogens that are reasonably associated with specific disabling cancers; and (2) conditions which, when met, create a rebuttable presumption that the cancer developed or manifested itself out of and in the course of employment. (NRS 617.453) This bill provides that such disabling cancer is an occupational disease and compensable as such under the provisions governing occupational diseases if the cancer develops or manifests itself out of and in the course of employment of a person who, for 2 years or more, has been employed as a police officer, arson investigator or full-time firefighter or has been acting as a volunteer firefighter. This bill also: (1) eliminates the list of substances which are deemed to be known carcinogens; (2) provides that disabling cancer is conclusively presumed to be occupationally related if the employee has served a certain number of years in the profession before contracting the disease; and (3) sets forth the various periods in which an employee may claim the presumption.



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

Section 1. NRS 617.453 is hereby amended to read as follows:

617.453 1. Notwithstanding any other provision of this chapter, cancer, resulting in either temporary or permanent disability, or death, is an occupational disease and compensable as such under the provisions of this chapter if ~~it~~:

~~—(a) The~~ *the* cancer develops or manifests itself out of and in the course of the employment of a person who, for ~~5~~ *2* years or more, has been:

~~[(1)]~~ *(a)* Employed in this State in a full-time salaried occupation of fire fighting *or the investigation of arson* for the benefit or safety of the public; ~~for~~

~~—(2)]~~ *(b)* 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) The person 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.~~



1 ~~—(g) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic~~
2 ~~hydrocarbon, soot and vinyl chloride shall be deemed to be known~~
3 ~~carcinogens that are reasonably associated with lymphatic or~~
4 ~~hematopoietic cancer.~~

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

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

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

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

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

23 ~~—4. Compensation awarded to the employee or his or her~~
24 ~~dependents for disabling cancer pursuant to this section must~~
25 ~~include:~~

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

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

35 ~~—5.] ; or~~

36 *(c) Employed in a full-time salaried occupation as a police*
37 *officer in this State,*

38 *↪ before the date of disablement or death.*

39 2. Disabling cancer is *conclusively* presumed to have
40 developed or manifested itself out of and in the course of the
41 employment of ~~[any firefighter described in this section. This~~
42 ~~rebuttable presumption applies to disabling cancer diagnosed after~~
43 ~~the termination of the person's employment if the diagnosis occurs~~
44 ~~within a period, not to exceed 60 months, which begins with the last~~
45 ~~date the employee actually worked in the qualifying capacity and~~



~~extends for a period calculated by multiplying 3 months by the number of full years of his or her employment. This rebuttable presumption must control the awarding of benefits pursuant to this section unless evidence to rebut the presumption is presented.~~

~~— 6. The provisions of this section do not create a conclusive presumption.] a person if:~~

(a) The requirements of subsection 1 are satisfied; and

(b) The disease is diagnosed and causes the disablement or death:

(1) During the course of employment of the person;

(2) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(3) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

↪ Service credit which is purchased in a retirement system must not be used to calculate the number of years of service of a person for the purposes of this section.

Sec. 2. This act becomes effective on July 1, 2019.

