

AMENDMENTS TO LB191

(Amendments to Standing Committee amendments, AM1330)

Introduced by Cavanaugh, M., 6.

1 1. Insert the following new sections:

2 Sec. 6. (1) For purposes of this section:

3 (a) Firefighter includes both professional and volunteer
4 firefighters;

5 (b) Professional firefighter means a person who has been employed
6 for five or more years in this state in a full-time salaried occupation
7 as:

8 (i) A firefighter for the benefit or safety of the public;

9 (ii) An investigator of fires or arson; or

10 (iii) An instructor or officer for the provision of training
11 concerning fire or hazardous materials; and

12 (c) Volunteer firefighter means a person who has acted for five or
13 more years in this state as a volunteer firefighter described in
14 subdivision (3) of section 48-115.

15 (2) Notwithstanding any provision of the Nebraska Workers'
16 Compensation Act to the contrary, cancer that results in either temporary
17 or permanent disability or death is an occupational disease and
18 compensable as such under the act if:

19 (a) The cancer develops or manifests itself out of and in the course
20 of the employment of a firefighter; and

21 (b) It is demonstrated that:

22 (i) The firefighter was exposed, while in the course of employment,
23 to a known carcinogen or a substance reasonably anticipated to be a human
24 carcinogen, as defined by the International Agency for Research on Cancer
25 or the National Toxicology Program; and

26 (ii) Such carcinogen is reasonably associated with such cancer.

1 (3) With respect to a firefighter, the following substances shall be
2 deemed, for purposes of subsection (2) of this section, to be known
3 carcinogens that are reasonably associated with the following cancers:

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

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

9 (c) Asbestos, benzene, diesel exhaust and soot, digoxin, ethylene
10 oxide, polychlorinated biphenyls, and polycyclic aromatic hydrocarbon
11 shall be deemed to be known carcinogens that are reasonably associated
12 with breast cancer;

13 (d) Diesel exhaust and formaldehyde shall be deemed to be known
14 carcinogens that are reasonably associated with colon cancer;

15 (e) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
16 hydrocarbon shall be deemed to be known carcinogens that are reasonably
17 associated with esophageal cancer;

18 (f) Formaldehyde shall be deemed to be a known carcinogen that is
19 reasonably associated with Hodgkin's lymphoma;

20 (g) Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed
21 to be known carcinogens that are reasonably associated with kidney
22 cancer;

23 (h) Benzene, diesel exhaust and soot, formaldehyde, 1,3-butadiene,
24 and polycyclic aromatic hydrocarbon shall be deemed to be known
25 carcinogens that are reasonably associated with leukemia;

26 (i) Chloroform, soot, and vinyl chloride shall be deemed to be known
27 carcinogens that are reasonably associated with liver cancer;

28 (j) Arsenic, asbestos, cadmium, chromium compounds, oils, polycyclic
29 aromatic hydrocarbon, radon, silica, soot, and tars shall be deemed to be
30 known carcinogens that are reasonably associated with lung cancer;

31 (k) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic

1 hydrocarbon, soot, and vinyl chloride shall be deemed to be known
2 carcinogens that are reasonably associated with lymphatic or
3 haemotopoietic cancer;

4 (l) Diesel exhaust and soot, aldehydes, and polycyclic aromatic
5 hydrocarbon shall be deemed to be known carcinogens that are reasonably
6 associated with basal cell carcinoma, squamous cell carcinoma and
7 malignant melanoma;

8 (m) Benzene, dioxins, and glyphosate shall be deemed to be known
9 carcinogens that are reasonably associated with multiple myeloma;

10 (n) Arsenic, asbestos, benzene, diesel exhaust and soot,
11 formaldehyde, and hydrogen chloride shall be deemed to be known
12 carcinogens that are reasonably associated with nasopharyngeal cancer,
13 including laryngeal cancer and pharyngeal cancer;

14 (o) Benzene, chronic hepatitis B and C viruses, formaldehyde, and
15 polychlorinated biphenyls shall be deemed to be known carcinogens that
16 are reasonably associated with non-Hodgkin's lymphoma;

17 (p) Asbestos, benzene, and formaldehyde shall be deemed to be known
18 carcinogens that are reasonably associated with ovarian cancer;

19 (q) Polycyclic aromatic hydrocarbon shall be deemed to be a known
20 carcinogen that is reasonably associated with pancreatic cancer;

21 (r) Acrylonitrile, benzene, and formaldehyde shall be deemed to be
22 known carcinogens that are reasonably associated with prostate cancer;

23 (s) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
24 hydrocarbon shall be deemed to be known carcinogens that are reasonably
25 associated with rectal cancer;

26 (t) Chlorophenols, chlorophenoxy herbicides, and polychlorinated
27 biphenyls shall be deemed to be known carcinogens that are reasonably
28 associated with soft tissue sarcoma;

29 (u) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
30 hydrocarbon shall be deemed to be known carcinogens that are reasonably
31 associated with stomach cancer;

1 (v) Diesel exhaust and soot, and polychlorinated biphenyls shall be
2 deemed to be known carcinogens that are reasonably associated with
3 testicular cancer;

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

6 (x) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic
7 hydrocarbon shall be deemed to be known carcinogens that are reasonably
8 associated with urinary tract cancer and ureteral cancer; and

9 (y) Benzene and polycyclic aromatic hydrocarbon shall be deemed to
10 be known carcinogens that are reasonably associated with uterine cancer.

11 (4) Subsection (3) of this section is not an exhaustive list and
12 shall not preclude any person from demonstrating, on a case-by-case basis
13 for the purposes of subsection (2) of this section, that a substance is a
14 known carcinogen or is reasonably anticipated to be a human carcinogen,
15 including an agent classified by the International Agency for Research on
16 Cancer in Group 1 or Group 2A, that is reasonably associated with a
17 cancer.

18 (5) There shall be a rebuttable presumption that a cancer
19 experienced by a firefighter arose out of and in the course of employment
20 if the cancer is diagnosed during the course of the firefighter's
21 employment.

22 (6)(a) There shall be a rebuttable presumption, for purposes of
23 subsection (2) of this section, that cancer experienced by a retired
24 firefighter arose out of and in the course of employment if the cancer is
25 diagnosed within a period, not to exceed sixty months, which begins with
26 the last date the retired firefighter actually worked in the qualifying
27 capacity and extends for a period calculated by multiplying three months
28 by the number of full years of such employment.

29 (b) This subsection applies to a professional firefighter who
30 retires before January 1, 2024, and to a volunteer firefighter,
31 regardless of the date of retirement.

1 (7) There shall be a rebuttable presumption, for purposes of
2 subsection (2) of this section, that cancer experienced by a professional
3 firefighter who retires on or after January 1, 2024, arose out of and in
4 the course of employment if such cancer was diagnosed:

5 (a) If the firefighter ceases employment before completing twenty
6 years of service as a professional firefighter, during the period after
7 separation from employment which is equal to the number of years worked;
8 or

9 (b) If the firefighter ceases employment after completing twenty
10 years or more of service as a professional firefighter, investigator,
11 instructor, at any time during the person's life.

12 (8) Service credit which is purchased in a retirement system shall
13 not be used to calculate the number of years of service or employment for
14 purposes of this section.

15 (9) A person who files a claim for benefits for cancer pursuant to
16 subsection (7) of this section after retiring from employment as a
17 professional firefighter is not entitled to receive any compensation for
18 such cancer under the Nebraska Workers' Compensation Act other than
19 medical benefits.

20 Sec. 11. Section 48-1,110, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 48-1,110 Sections 48-101 to 48-1,117 and section 6 of this act shall
23 be known and may be cited as the Nebraska Workers' Compensation Act.

24 2. Renumber the remaining sections and correct the repealer
25 accordingly.