

SB 71-FN - AS INTRODUCED

2023 SESSION

23-0848

09/04

SENATE BILL        **71-FN**

AN ACT            relative to workers' compensation for firefighter cancer disease and establishing a commission to study the implementation of optional annual cancer screenings.

SPONSORS:        Sen. Carson, Dist 14; Sen. Soucy, Dist 18; Sen. Rosenwald, Dist 13; Sen. Abbas, Dist 22; Rep. Proulx, Hills. 15; Rep. Goley, Hills. 21; Rep. Doucette, Rock. 25; Rep. Read, Rock. 10

COMMITTEE:      Executive Departments and Administration

---

ANALYSIS

This bill establishes a commission to study workers' compensation for firefighter cancer disease, and allows for workers' compensation for firefighter cancer disease of all types.

-----

Explanation:      Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT                    relative to workers' compensation for firefighter cancer disease and establishing a commission to study the implementation of optional annual cancer screenings.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Worker's Compensation; Firefighter and Heart, Lung, or Cancer Disease. Amend RSA 281-  
2 A:17, II to read as follows:

3            II. Notwithstanding the provisions of RSA 281-A:2, XI and XIII, 16 and 27, there shall exist  
4 a prima facie presumption that cancer disease in a firefighter, whether a regular, call, volunteer, or  
5 retired member of a fire department, is occupationally caused. ~~[In order to receive occupational  
6 cancer workers' compensation, the type of cancer involved must be a type which may be caused by  
7 exposure to heat, radiation, or a known carcinogen, as defined by the International Agency for  
8 Research on Cancer.]~~ However:

9            2 New Section; Commission to Study the Implementation of Optional Annual Cancer  
10 Screenings. Amend RSA 281-A by inserting after section 17-e the following new section:

11            281-A:17-f Commission to Study the Implementation of Optional Annual Cancer Screenings.

12            I. There is established a commission to study the implementation of optional annual cancer  
13 screenings for firefighters. The members of the commission shall be as follows:

- 14            (a) Two members of the senate, appointed by the president of the senate.
- 15            (b) Five members of the house of representatives, appointed by the speaker of the house  
16 of representatives.
- 17            (c) The commissioner of the department of health and human services, or designee.
- 18            (d) The commissioner of the department of safety, or designee.
- 19            (e) The insurance commissioner, or designee.
- 20            (f) A representative of the American Cancer Society, appointed by that organization.
- 21            (g) A fire chief, appointed by the New Hampshire Association of Fire Chiefs.
- 22            (h) A representative of the Professional Firefighters of New Hampshire, appointed by  
23 the organization.
- 24            (i) A physician specializing in cancer, appointed by the New Hampshire Medical Society.
- 25            (j) An attorney, appointed by the New Hampshire Medical Society.

26            II. Legislative members of the commission shall receive mileage at the legislative rate when  
27 attending to the duties of the commission.

28            III. The commission shall study:

- 29            (a) The prevalence of cancer among firefighters.
- 30            (b) The mortality of firefighters diagnosed with job related cancer.

**SB 71-FN - AS INTRODUCED**

**- Page 2 -**

1 (c) The health benefits of early detection of firefighter cancer as compared to risks  
2 associated with late detection.

3 (d) The costs of a cancer prevention program that includes annual screenings and early  
4 detection, as compared to the health care costs associated with late detection of firefighter cancer.

5 (e) The cost benefit to public risk management pools for early detection of firefighter  
6 cancer as opposed to late detection.

7 (f) The existence and access to potential third party vendors to provide cancer screenings  
8 and early detection for fire fighters.

9 (g) The existence of firefighter cancer screening programs implemented in other states.

10 (h) The administrative requirements for the implementation of an annual firefighter  
11 cancer screening program.

12 (i) Other issues the commission deems relevant to its study.

13 IV. The commission may solicit input from any person or entity the commission deems  
14 relevant to its study.

15 V. The first-named senate member shall be named the chairperson of the commission and  
16 shall call the first meeting of the commission within 45 days of the effective date of this section.  
17 Eight members of the commission shall constitute a quorum.

18 VI. The commission shall report its findings and any recommendations for proposed  
19 legislation to the president of the senate, the speaker of the house of representatives, the minority  
20 leader of the senate, the minority leader of the house of representatives, the senate clerk, the  
21 governor and the state library on or before November 1, 2023.

22 3 Repeal. RSA 281-A:17-f, relative to a commission to study the implementation of optional  
23 annual cancer screenings for firefighters, is repealed.

24 4 Effective Date.

25 I. Section 2 of this act shall take effect November 1, 2023.

26 II. The remainder of this act shall take effect upon its passage.

**SB 71-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to workers' compensation for firefighter cancer disease and establishing a commission to study the implementation of optional annual cancer screenings.

**FISCAL IMPACT:**     State             County             Local             None

**LOCAL:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

This bill establishes a commission to study workers' compensation for firefighter cancer disease, and allows for workers' compensation for firefighter cancer disease of all types.

The Department of Labor indicates it is unlikely that this bill would have a material impact on expenditures or revenues at the state, county or level. Additionally, in terms of state costs, it is not anticipated that the bill would impact the operational costs of administering protective legislation from the Department of Labor's perspective.

The Department notes, it is possible that the removal of language in RSA 281-A:17 could lead to additional claims and compensation for occupationally related cancer in firefighters, but the impact of that change, if any, is deemed indeterminable. It is anticipated that these added costs, if any, would present at the local level and be due to local firefighting staff.

It is assumed that any fiscal impact would occur after FY 2023.

**AGENCIES CONTACTED:**

Department of Labor