

1 S.73

2 Introduced by Senator Baruth

3 Referred to Committee on

4 Date:

5 Subject: Labor; workers' compensation; firefighters; cancer

6 Statement of purpose of bill as introduced: This bill proposes to add breast  
7 cancer, thyroid cancer, and cancers originating in the reproductive system to  
8 the cancers for which a firefighter may be eligible to receive workers'  
9 compensation.

10 An act relating to workers' compensation coverage for firefighters with  
11 cancer

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 21 V.S.A. § 601 is amended to read:

14 § 601. DEFINITIONS

15 ~~Unless the context otherwise requires, words and phrases used in this~~  
16 ~~chapter shall be construed as follows~~ As used in this chapter:

17 \* \* \*

18 (11) "Personal injury by accident arising out of and in the course of  
19 employment" includes an injury caused by the willful act of a third person  
20 directed against an employee because of that employment.

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\* \* \*

(E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3) and (4), who dies or has a disability from a cancer listed in subdivision (iii) of this subdivision (E), the firefighter shall be presumed to have had the cancer as a result of exposure to conditions in the line of duty, unless it is shown by a preponderance of the evidence that the cancer was caused by nonservice-connected risk factors or nonservice-connected exposure, provided:

(i)(I) the firefighter completed an initial and any subsequent cancer screening evaluations as recommended by the American Cancer Society based on the age and sex of the firefighter prior to becoming a firefighter or within two years of July 1, 2007, and the evaluation indicated no evidence of cancer;

(II) the firefighter was engaged in firefighting duties or other hazardous activities over a period of at least five years in Vermont prior to the diagnosis; and

(III) the firefighter is under 65 years of age.

(ii) The presumption shall not apply to any firefighter who has used tobacco products at any time within 10 years of the date of diagnosis.

(iii) The disabling cancer shall be limited to leukemia, lymphoma, or multiple myeloma, and cancers originating in the bladder, brain, breast,

1 colon, gastrointestinal tract, kidney, liver, pancreas, reproductive system, skin,  
2 or ~~testicles~~ thyroid.

3 (F) A firefighter who is diagnosed with cancer within 10 years of the  
4 last active date of employment as a firefighter shall be eligible for benefits  
5 under this subdivision. The date of injury shall be the date of the last injurious  
6 exposure as a firefighter.

7 (G) It is recommended that fire departments:

8 (i) maintain incident report records for at least 10 years; and

9 (ii) offer or provide annual cancer screenings to all firefighters  
10 who are employed by or who volunteer for the department.

11 \* \* \*

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on July 1, 2023.