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H.917

Representative Beck of St. Johnsbury moves that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

§ 601. DEFINITIONS

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

* * *

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

* * *

(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

1 based on the age and sex of the firefighter prior to becoming a firefighter or
2 ~~within two years of July 1, 2007, while serving as a firefighter,~~ and the
3 evaluation indicated no evidence of cancer;

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

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

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

10 (iii) The disabling cancer shall be limited to leukemia, lymphoma,
11 or multiple myeloma, and cancers originating in the bladder, brain, colon,
12 gastrointestinal tract, kidney, liver, pancreas, skin, or testicles.

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

17 (G) It is recommended that fire departments maintain incident report
18 records for at least 10 years.

19 * * *

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2020.