1	H.117
2	Introduced by Representatives Beck of St. Johnsbury, Anthony of Barre City,
3	Campbell of St. Johnsbury, Mattos of Milton, Page of Newport
4	City, Shaw of Pittsford, and Till of Jericho
5	Referred to Committee on
6	Date:
7	Subject: Labor; workers' compensation; firefighters; cancer
8	Statement of purpose of bill as introduced: This bill proposes to provide that
9	for a firefighter who, after becoming a firefighter in Vermont, undergoes a
10	cancer screening and the results of the screening indicate no evidence of
11	cancer, a subsequent diagnosis of cancer shall be presumed to have resulted
12	from exposure to conditions in the line of duty.
13 14	An act relating to expanding workers' compensation coverage for firefighters with cancer
15	It is hereby enacted by the General Assembly of the State of Vermont:
16	Sec. 1. 21 V.S.A. § 601 is amended to read:
17	§ 601. DEFINITIONS
18	Unless the context otherwise requires, words and phrases used in this
19	chapter shall be construed as follows:
20	* * *

## BILL AS INTRODUCED 2021

1	(11) "Personal injury by accident arising out of and in the course of
2	employment" includes an injury caused by the willful act of a third person
3	directed against an employee because of that employment.
4	* * *
5	(E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3)
6	and (4), who dies or has a disability from a cancer listed in subdivision (iii) of
7	this subdivision (E), the firefighter shall be presumed to have had the cancer as
8	a result of exposure to conditions in the line of duty, unless it is shown by a
9	preponderance of the evidence that the cancer was caused by nonservice-
10	connected risk factors or nonservice-connected exposure, provided:
11	(i)(I) the firefighter completed an initial and any subsequent
12	cancer screening evaluations as recommended by the American Cancer Society
13	based on the age and sex of the firefighter prior to becoming a firefighter or
14	within two years of July 1, 2007, while serving as a firefighter, and the
15	evaluation indicated no evidence of cancer;
16	(II) the firefighter was engaged in firefighting duties or other
17	hazardous activities over a period of at least five years in Vermont prior to the
18	diagnosis; and
19	(III) the firefighter is under 65 years of age.
20	(ii) The presumption shall not apply to any firefighter who has
21	used tobacco products at any time within 10 years of the date of diagnosis.

1	(iii) The disabling cancer shall be limited to leukemia, lymphoma,
2	or multiple myeloma, and cancers originating in the bladder, brain, colon,
3	gastrointestinal tract, kidney, liver, pancreas, skin, or testicles.
4	(F) A firefighter who is diagnosed with cancer within 10 years of the
5	last active date of employment as a firefighter shall be eligible for benefits
6	under this subdivision. The date of injury shall be the date of the last injurious
7	exposure as a firefighter.
8	(G) It is recommended that fire departments maintain incident report
9	records for at least 10 years.
10	* * *
11	Sec. 2. EFFECTIVE DATE
12	This act shall take effect on July 1, 2021.