

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 An act relating to expanding workers' compensation coverage for
14 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 * * *

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.

