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Proposed Amendment to AB 451
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Section 1 line 2 on page 1:

Delete the new language since it will not be needed with the proposed revisions to Section 2 below.

Also delete the new language "in" on line 8 and the re-lettering of the entire section as this no longer will be needed.

Section 1 at line 7 on page 1:

Reinstate the deleted language "out of and in the course of employment" in order to avoid conflict with the provisions on page 2, lines 14-24. Section 2 at line 25 on page 2:

Delete lines 25 – 29.

Amend page 2, line 6 to delete the period and substitute a semicolon followed by "or that the disabling cancer is (Move lines 30 – 44 on page 2 and lines 1-9 on page 3 and insert at line 7 on page 2 as a new subsection (III))"

Section 3 at lines 10 – 15 on page 3

Delete as now redundant to Section 2, lines 8-13.

Add an amendment to NRS 617.455, Section 5:

Insert new language as follows:

"5. A disease of the lungs, *except as provided in 617.453*, is conclusively presumed to have arisen out of and in the course of the employment of a person who has been employed in a full-time continuous, uninterrupted and salaried occupation as a police officer or fireman for 5 years or more before the date of disablement."

The changes proposed in the above are shown below:

NRS 617.453 Cancer as occupational disease of firemen.

1. Notwithstanding any other provision of this chapter, cancer, resulting in either temporary or permanent disability, or death, is an occupational disease and compensable as such under the provisions of this chapter if:

(a) The cancer develops or manifests itself out of and in the course of the employment of a person who, for 5 years or more, has been:

(1) Employed in this state in a full-time salaried occupation of fire fighting for the benefit or safety of the public; or

(2) Acting as a volunteer fireman in this state and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; and

(b) It is demonstrated that:

(1) He was exposed, while in the course of the employment, to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program; and

(2) The carcinogen is reasonably associated with the disabling cancer[.]; or

(3) *the disabling cancer of a person who qualifies per Section 1(a)(1) is*

(a) Bladder cancer and he was exposed during the course of his employment to any diesel exhaust, formaldehyde or polycyclic aromatic hydrocarbon;

(b) Brain cancer and he was exposed during the course of his employment to any acrylonitrile, formaldehyde or vinyl chloride;

(c) Colon cancer and he was exposed during the course of his employment to any diesel exhaust or formaldehyde;

(d) Hodgkin's lymphoma and he was exposed during the course of his employment to any formaldehyde;

(e) Kidney cancer and he was exposed during the course of his employment to any formaldehyde or polycyclic aromatic hydrocarbon;

(f) Liver cancer and he was exposed during the course of his employment to any chloroform, soot or vinyl chloride;

(g) Lung cancer and he was exposed during the course of his employment to any asbestos, diesel exhaust, formaldehyde or vinyl chloride; or

(h) Lymphatic or haemotopoietic cancer and he was exposed during the course of his employment to any acrylonitrile, benzene, formaldehyde, polycyclic aromatic hydrocarbon, soot or vinyl chloride.

2. Compensation awarded to the employee or his dependents for disabling cancer pursuant to subsection 1 must include:

(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization; and

(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

6. Failure to correct predisposing conditions which lead to lung disease when so ordered in writing by the examining physician after the annual examination excludes the employee from the benefits of this section if the correction is within the ability of the employee.

7. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a fireman or police officer,
may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

(Added to NRS by 1965, 368; A 1975, 1195; 1981, 623, 851; 1983, 458; 1987, 553; 1989, 1020)