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May 6, 2003

Amendment to AB 451  
Submitted by Don Jayne  
On behalf of Nevada Self Insured Association (NSIA)  
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**Intent of proposed amendment:**

This amendment is designed to clarify language in the bill that can be ambiguous and result in confusion in implementation of this legislation.

The intent expressed by the proponents of this bill is that this language is to clarify coverage for individuals, not to create a conclusive presumption of coverage. The removal of ~~{out of and in the course of the employment of}~~ in Section 1. (a) (1) appears to NSIA to remove the course of employment as criteria for compensability and merely allows for the manifestation of a covered cancer in a person who has over 5 years of service. NSIA would like to see this language remain in statute.

NSIA believes it is advisable that when language referencing "full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization" be further clarified by referencing "in accordance with the Nevada medical fee schedule". Recommended changes are reflected in underlined green italics.

**Section 1.** NRS 617.453 is hereby amended to read as follows:

617.453 1. *Except as otherwise provided in subsection 2:*

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

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

~~{(2)}~~ (II) 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)}~~ (2) It is demonstrated that:

~~{(1)}~~ (I) 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)}~~ (II) The carcinogen is reasonably associated with the disabling cancer.

~~{2-}~~ (b) Compensation awarded to the employee or his dependents for disabling cancer pursuant to ~~{subsection 1}~~ paragraph (a) must include:

~~{(a)}~~ (I) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization in accordance with the Nevada medical fee schedule; and  
~~{(b)}~~ (II) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

~~{3-}~~ (c) Disabling cancer is presumed to have developed or manifested itself out of and in the course of the employment of any fireman described in this section. This presumption applies to disabling cancer diagnosed after the termination of the person's employment if the diagnosis occurs within a period, not to exceed 60 months, which begins with the last date the employee actually worked in the qualifying capacity and extends for a period calculated by multiplying 3 months by the number of full years of his employment. This presumption must control the awarding of benefits pursuant to this section unless evidence to dispute the presumption is presented.

**2. Notwithstanding any other provision of this chapter, if a person specified in paragraph (a) of subsection 1, other than a person to whom sub-subparagraph (II) of subparagraph (1) of paragraph (a) of subsection 1 applies, demonstrates that he has contracted:**

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

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

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

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

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

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

**(g) Lung cancer and that 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 that he was exposed during the course of his employment to any acrylonitrile, benzene, formaldehyde, polycyclic aromatic hydrocarbon, soot or vinyl chloride, the cancer is an occupational disease and compensable as such under the provisions of this chapter.**

**3. Any compensation awarded to the employee or his dependents pursuant to subsection 2 must include:**

**(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization in accordance with the Nevada medical fee schedule; and**

**(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS.**