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PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 451
FIRST REPRINT

PREPARED FOR ASSEMBLYMAN OCEGUERA
MAY 7, 2003

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

1 Amend the bill as a whole by deleting section 1 and adding a new section designated section
2 1, following the enacting clause, to read as follows:

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

4 617.453 1. Notwithstanding any other provision of this chapter, cancer, resulting in either
5 temporary or permanent disability, or death, is an occupational disease and compensable as such
6 under the provisions of this chapter if:

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

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

11 (2) Acting as a volunteer fireman in this state and is entitled to the benefits of chapters
12 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; and

13 (b) It is demonstrated that:

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

17 (2) The carcinogen is reasonably associated with the disabling cancer.

1 2. *With respect to a person who, for 5 years or more, has been employed in this state in a*
2 *full-time salaried occupation of fire fighting for the benefit or safety of the public, the*
3 *following substances shall be deemed, for the purposes of paragraph (b) of subsection 1, to be*
4 *known carcinogens that are reasonably associated with the following disabling cancers:*

5 (a) *Diesel exhaust, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to*
6 *be known carcinogens that are reasonably associated with bladder cancer.*

7 (b) *Acrylonitrile, formaldehyde and vinyl chloride shall be deemed to be known*
8 *carcinogens that are reasonably associated with brain cancer.*

9 (c) *Diesel exhaust and formaldehyde shall be deemed to be known carcinogens that are*
10 *reasonably associated with colon cancer.*

11 (d) *Formaldehyde shall be deemed to be a known carcinogen that is reasonably associated*
12 *with Hodgkin's lymphoma.*

13 (e) *Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known*
14 *carcinogens that are reasonably associated with kidney cancer.*

15 (f) *Chloroform, soot and vinyl chloride shall be deemed to be known carcinogens that are*
16 *reasonably associated with liver cancer.*

17 (g) *Acrylonitrile, benzene, formaldehyde, polycyclic aromatic hydrocarbon, soot and vinyl*
18 *chloride shall be deemed to be known carcinogens that are reasonably associated with*
19 *lymphatic or haematopoietic cancer.*

20 3. *The provisions of subsection 2 do not create an exclusive list and do not preclude any*
21 *person from demonstrating, on a case-by-case basis for the purposes of paragraph (b) of*
22 *subsection 1, that a substance is a known carcinogen that is reasonably associated with a*
23 *disabling cancer.*

1 4. Compensation awarded to the employee or his dependents for disabling cancer pursuant
2 to ~~{subsection 4}~~ *this section* must include:

3 (a) Full reimbursement for related expenses incurred for medical treatments, surgery and
4 hospitalization ~~{;}~~ *in accordance with the schedule of fees and charges established pursuant to*
5 *NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with*
6 *providers of health care pursuant to NRS 616B.527, the amount that is allowed for the*
7 *treatment or other services under that contract; and*

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

10 ~~{3}~~ 5. Disabling cancer is presumed to have developed or manifested itself out of and in the
11 course of the employment of any fireman described in this section. This *rebuttable* presumption
12 applies to disabling cancer diagnosed after the termination of the person's employment if the
13 diagnosis occurs within a period, not to exceed 60 months, which begins with the last date the
14 employee actually worked in the qualifying capacity and extends for a period calculated by
15 multiplying 3 months by the number of full years of his employment. This *rebuttable*
16 presumption must control the awarding of benefits pursuant to this section unless evidence to
17 ~~{dispute}~~ *rebut* the presumption is presented.

18 6. *The provisions of this section do not create a conclusive presumption.*"

19 Amend the Title of the bill to read as follows:

20 "AN ACT relating to occupational diseases; clarifying provisions governing compensation for
21 certain firemen who develop disabling cancer as an occupational disease; and providing
22 other matters properly relating thereto."

23 Amend the Summary of the bill to read as follows:

1 “SUMMARY—Clarifies provisions governing compensation for certain firemen who develop
2 disabling cancer as occupational disease. (BDR 53-1197)”.

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