

ASSEMBLY BILL NO. 451—COMMITTEE ON
COMMERCE AND LABOR

MARCH 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Provides that certain forms of cancer contracted by firemen are occupational diseases under certain circumstances. (BDR 53-1197)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to occupational diseases; providing that certain forms of cancer contracted by firemen are occupational diseases under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 617.453 is hereby amended to read as follows:
- 2 617.453 1. *Except as otherwise provided in subsection 2:*
- 3 (a) Notwithstanding any other provision of this chapter, cancer,
- 4 resulting in either temporary or permanent disability, or death, is an
- 5 occupational disease and compensable as such under the provisions
- 6 of this chapter if:
- 7 ~~(a)~~ (I) The cancer develops or manifests itself ~~out of and in~~
- 8 ~~the course of the employment of~~ *in* a person who, for 5 years or
- 9 more, has been:
- 10 ~~(1)~~ (I) Employed in this state in a full-time salaried
- 11 occupation of fire fighting for the benefit or safety of the public; or
- 12 ~~(2)~~ (II) Acting as a volunteer fireman in this state and is
- 13 entitled to the benefits of chapters 616A to 616D, inclusive, of NRS
- 14 pursuant to the provisions of NRS 616A.145; and
- 15 ~~(b)~~ (2) It is demonstrated that:



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

5 ~~[(2)]~~ (II) The carcinogen is reasonably associated with the
6 disabling cancer.

7 ~~[(2)]~~ (b) Compensation awarded to the employee or his
8 dependents for disabling cancer pursuant to ~~[subsection 1]~~
9 *paragraph (a)* must include:

10 ~~[(a)]~~ (I) Full reimbursement for related expenses incurred for
11 medical treatments, surgery and hospitalization; and

12 ~~[(b)]~~ (II) The compensation provided in chapters 616A to 616D,
13 inclusive, of NRS for the disability or death.

14 ~~[(3)]~~ (c) Disabling cancer is presumed to have developed or
15 manifested itself out of and in the course of the employment of any
16 fireman described in this section. This presumption applies to
17 disabling cancer diagnosed after the termination of the person's
18 employment if the diagnosis occurs within a period, not to exceed
19 60 months, which begins with the last date the employee actually
20 worked in the qualifying capacity and extends for a period
21 calculated by multiplying 3 months by the number of full years of
22 his employment. This presumption must control the awarding of
23 benefits pursuant to this section unless evidence to dispute the
24 presumption is presented.

25 *2. Notwithstanding any other provision of this chapter, if a*
26 *person specified in paragraph (a) of subsection 1 demonstrates*
27 *that he has contracted:*

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

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

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

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

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

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

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



- 1 (h) *Lymphatic or haemotopoietic cancer and that he was*
2 *exposed during the course of his employment to any acrylonitrile,*
3 *benzene, formaldehyde, polycyclic aromatic hydrocarbon, soot or*
4 *vinyl chloride; or*
5 (i) *Any other form of cancer and that he was exposed to any*
6 *acrolein, acrylonitrile, asbestos, benzene, chloroform, diesel*
7 *exhaust, formaldehyde, hydrogen cyanide, nitrogen dioxide,*
8 *organic solvent, polycyclic aromatic hydrocarbon, soot or vinyl*
9 *chloride,*
10 *the cancer is an occupational disease and compensable as such*
11 *under the provisions of this chapter.*
12 3. *Any compensation awarded to the employee or his*
13 *dependents pursuant to subsection 2 must include:*
14 (a) *Full reimbursement for related expenses incurred for*
15 *medical treatments, surgery and hospitalization; and*
16 (b) *The compensation provided in chapters 616A to 616D,*
17 *inclusive, of NRS.*

