

SENATE BILL 1442

By Bailey

AN ACT to amend Tennessee Code Annotated, Title 7,  
Chapter 51, Part 2, relative to firefighters.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-51-201, is amended by adding the following as a new subsection:

(d)

(1) Whenever a fire department recognized by the state fire marshal's office pursuant to the fire department recognition act, compiled in title 68, chapter 102, part 3, and manned by regular and full-time employees has established or establishes any form of compensation to be paid to firefighters for any condition or impairment of health that results in loss of life or personal injury in the line of duty or course of employment, there is a presumption that any condition or impairment of health of regular, full-time firefighters caused by all forms of Non-Hodgkin's Lymphoma cancer, colon cancer, skin cancer, or multiple myeloma cancer resulting in hospitalization, medical treatment, or any disability, is presumed to have occurred in the course of employment, unless the contrary is shown by competent medical evidence. Any such condition or impairment of health that results in death is presumed to be a loss of life in the line of duty, to have been in the line and course of employment, and to have been in the actual discharge of the duties of the firefighter's position, unless the contrary is shown by a physician board certified in oncology. Secondary employment or lifestyle habits, including, but not limited to smoking, may be considered when determining whether the presumption established in this subsection (d) applies.

(2) Any firefighter desiring to utilize the presumption established in this subsection (d) must have successfully passed a pre-employment physical medical examination and the examination must have included a cancer screening that failed to reveal any evidence of the cancers listed in this subsection (d). Each firefighter shall also thereafter obtain annual physical medical examinations that include cancer screenings for the specific types of cancer listed this subsection (d) in order to be eligible to utilize the presumption established in this subsection (d).

(3) In order to be eligible to utilize the presumption established in this subsection (d), the firefighter must have been exposed to heat, smoke, and fumes, or carcinogenic, poisonous, toxic, or chemical substances, while performing the duties of a firefighter in the firefighter's capacity as an employee and must have completed five (5) or more consecutive years in service with the fire department that has established the form of compensation contemplated in this subsection (d). Eligible firefighters may file a medical claim pertaining to any condition or impairment of health caused by all forms of the cancers listed in subdivision (d)(1) for up to five (5) years after the most recent date of exposure.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.