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H.365

Introduced by Representatives Beck of St. Johnsbury, Andrews of Westford,
Anthony of Barre City, Bartley of Fairfax, Bongartz of
Manchester, Branagan of Georgia, Brumsted of Shelburne,
Campbell of St. Johnsbury, Canfield of Fair Haven, Christie of
Hartford, Cina of Burlington, Conlon of Cornwall, Demrow of
Corinth, Elder of Starksboro, Gregoire of Fairfield, Hooper of
Randolph, Hooper of Burlington, Howard of Rutland City,
LaBounty of Lyndon, Lipsky of Stowe, Masland of Thetford,
Mattos of Milton, McFaun of Barre Town, Pajala of
Londonderry, Parsons of Newbury, Patt of Worcester, Pearl of
Danville, Sammis of Castleton, Shaw of Pittsford, Sims of
Craftsbury, Taylor of Colchester, Toof of St. Albans Town,
Walker of Swanton, and Williams of Granby

Referred to Committee on

Date:

Subject: Labor; workers' compensation; firefighters; cancer

Statement of purpose of bill as introduced: This bill proposes to provide that
for a firefighter who, after becoming a firefighter in Vermont, undergoes a
cancer screening and the results of the screening indicate no evidence of

1 cancer, a subsequent diagnosis of cancer shall be presumed to have resulted
2 from exposure to conditions in the line of duty.

3 An act relating to expanding workers' compensation coverage for
4 firefighters with cancer

5 It is hereby enacted by the General Assembly of the State of Vermont:

6 Sec. 1. 21 V.S.A. § 601 is amended to read:

7 § 601. DEFINITIONS

8 ~~Unless the context otherwise requires, words and phrases used in this~~
9 ~~chapter shall be construed as follows~~ As used in this chapter:

10 * * *

11 (11) "Personal injury by accident arising out of and in the course of
12 employment" includes an injury caused by the willful act of a third person
13 directed against an employee because of that employment.

14 * * *

15 (E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3) and
16 (4), who dies or has a disability from a cancer listed in subdivision (iii) of this
17 subdivision (E), the firefighter shall be presumed to have had the cancer as a
18 result of exposure to conditions in the line of duty, unless it is shown by a
19 preponderance of the evidence that the cancer was caused by nonservice-
20 connected risk factors or nonservice-connected exposure, provided:

1 (i)(I) the firefighter completed an initial and any subsequent
2 cancer screening evaluations as recommended by the American Cancer Society
3 based on the age and sex of the firefighter prior to becoming a firefighter or
4 ~~within two years of July 1, 2007~~ while serving as a firefighter, and the
5 evaluation indicated no evidence of cancer;

6 (II) the firefighter was engaged in firefighting duties or other
7 hazardous activities over a period of at least five years in Vermont prior to the
8 diagnosis; and

9 (III) the firefighter is under 65 years of age.

10 (ii) The presumption shall not apply to any firefighter who has
11 used tobacco products at any time within 10 years of the date of diagnosis.

12 (iii) The disabling cancer shall be limited to leukemia, lymphoma,
13 or multiple myeloma, and cancers originating in the bladder, brain, colon,
14 gastrointestinal tract, kidney, liver, pancreas, skin, or testicles.

15 (F) A firefighter who is diagnosed with cancer within 10 years of the
16 last active date of employment as a firefighter shall be eligible for benefits
17 under this subdivision. The date of injury shall be the date of the last injurious
18 exposure as a firefighter.

19 (G) It is recommended that fire departments maintain incident report
20 records for at least 10 years.

21 * * *

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2023.