

AMENDMENTS TO HOUSE BILL NO. 1231

Sponsor: REPRESENTATIVE FARRY

Printer's No. 1780

1 Amend Bill, page 2, lines 4 through 14, by striking out all
2 of said lines and inserting

3 (r) Cancer suffered by a firefighter which is caused by
4 exposure to either heat, gas, radiation or a known carcinogen
5 which is recognized by the International Agency for Research on
6 Cancer which is reasonably linked to the cancer.

7 Amend Bill, page 2, lines 15 and 16, by striking out "by
8 adding a" in line 15 and "paragraph" in line 16 and inserting
9 and the section is amended by adding a subsection

10 Amend Bill, page 2, lines 18 through 24, by striking out all
11 of said lines and inserting

12 (c) (1) The terms "injury" and "personal injury," as used
13 in this act, shall be construed to mean an injury to an employe,
14 regardless of his previous physical condition, arising in the
15 course of his employment and related thereto, and such disease
16 or infection as naturally results from the injury or is
17 aggravated, reactivated or accelerated by the injury; and
18 wherever death is mentioned as a cause for compensation under
19 this act, it shall mean only death resulting from such injury
20 and its resultant effects, and occurring within three hundred
21 weeks after the injury. The term "injury arising in the course
22 of his employment," as used in this article, shall not include
23 an injury caused by an act of a third person intended to injure
24 the employe because of reasons personal to him, and not directed
25 against him as an employe or because of his employment; nor
26 shall it include injuries sustained while the employe is
27 operating a motor vehicle provided by the employer if the
28 employe is not otherwise in the course of employment at the time
29 of injury; but shall include all other injuries sustained while
30 the employe is actually engaged in the furtherance of the
31 business or affairs of the employer, whether upon the employer's
32 premises or elsewhere, and shall include all injuries caused by
33 the condition of the premises or by the operation of the
34 employer's business or affairs thereon, sustained by the

1 employe, who, though not so engaged, is injured upon the
2 premises occupied by or under the control of the employer, or
3 upon which the employer's business or affairs are being carried
4 on, the employe's presence thereon being required by the nature
5 of his employment.

6 (2) The terms "injury," "personal injury," and "injury
7 arising in the course of his employment," as used in this act,
8 shall include, unless the context clearly requires otherwise,
9 occupational disease as defined in section 108 of this act:
10 Provided, That whenever occupational disease is the basis for
11 compensation, for disability or death under this act, it shall
12 apply only to disability or death resulting from such disease
13 and occurring within three hundred weeks after the last date of
14 employment in an occupation or industry to which he was exposed
15 to hazards of such disease: And provided further, That if the
16 employe's compensable disability has occurred within such
17 period, his subsequent death as a result of the disease shall
18 likewise be compensable. The provisions of this paragraph (2)
19 shall apply only with respect to the disability or death of an
20 employe which results in whole or in part from the employe's
21 exposure to the hazard of occupational disease after June 30,
22 1973 in employment covered by The Pennsylvania Workmen's
23 Compensation Act. The employer liable for compensation provided
24 by section 305.1 or section 108, subsections (k), (l), (m), (o),
25 (p) [or], (q) or (r), shall be the employer in whose employment
26 the employe was last exposed for a period of not less than one
27 year to the hazard of the occupational disease claimed. In the
28 event the employe did not work in an exposure at least one year
29 for any employer during the three hundred week period prior to
30 disability or death, the employer liable for the compensation
31 shall be that employer giving the longest period of employment
32 in which the employe was exposed to the hazards of the disease
33 claimed.

34 * * *

35 (f) Compensation pursuant to cancer suffered by a
36 firefighter shall only be to those firefighters who have served
37 four or more years in firefighting duties and who can establish
38 direct exposure to factors referred to in section 108(r)
39 relating to cancer by a firefighter. The presumption of this
40 section may be rebutted by substantial evidence that shows that
41 the firefighter engaged in conduct or activities outside of
42 firefighting duties that posed a substantial risk of causing the
43 cancer. A claim made by a member of a volunteer fire company
44 must be based on evidence of exposure to causal factors as
45 documented by reports filed pursuant to the Pennsylvania Fire
46 Information Reporting System, if such fire company participates
47 in the system, and provided that the member's claim is based on
48 being exposed to causal factors on or after the date the fire
49 company began to utilize the reporting system. The limitation in
50 subsection (c)(2) with respect to disability or death resulting
51 from an occupational disease having to occur within three

1 hundred weeks after the last date of employment in an occupation
2 or industry to which a claimant was exposed to hazards of
3 disease shall not apply to claims filed pursuant to cancer
4 suffered by the firefighter under section 108(r).

5 Section 3. The provisions of this act shall apply to claims
6 filed on or after the effective date of this section.

7 Amend Bill, page 2, line 25, by striking out "3" and
8 inserting

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