

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 701 Session of  
2005

INTRODUCED BY O'BRIEN, BARRAR, BEBKO-JONES, BELARDI, BELFANTI,  
BISHOP, CALTAGIRONE, CAPPELLI, CAWLEY, COSTA, CURRY, DALEY,  
DENLINGER, DeWEESE, GEORGE, GOOD, GOODMAN, GRUCELA, HARHAI,  
JAMES, W. KELLER, KILLION, KOTIK, LEDERER, MANN, McGEEHAN,  
MICOZZIE, PAYNE, PISTELLA, READSHAW, REICHLEY, SAINATO,  
SATHER, SCAVELLO, SHANER, SOLOBAY, TANGRETTI, E. Z. TAYLOR,  
THOMAS, WALKO, WILT AND WASHINGTON, MARCH 1, 2005

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 1, 2005

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as  
2 reenacted and amended, "An act defining the liability of an  
3 employer to pay damages for injuries received by an employe  
4 in the course of employment; establishing an elective  
5 schedule of compensation; providing procedure for the  
6 determination of liability and compensation thereunder; and  
7 prescribing penalties," further defining "occupational  
8 disease"; and providing for cancer in the occupation of  
9 firefighter.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Section 108 of the act of June 2, 1915 (P.L.736,  
13 No.338), known as the Workers' Compensation Act, reenacted and  
14 amended June 21, 1939 (P.L.520, No.281), is amended by adding a  
15 clause to read:

16 Section 108. The term "occupational disease," as used in  
17 this act, shall mean only the following diseases.

18 \* \* \*

19 (r) Cancer, resulting in either temporary or permanent total

1 or partial disability or death, after four years or more of  
2 service in fire-fighting for the benefit or safety of the  
3 public, caused by exposure to heat, smoke, fumes or gasses,  
4 arising directly out of the employment of any such fire-fighter.

5 Section 2. Section 301(c) of the act is amended by adding a  
6 paragraph to read:

7 Section 301. \* \* \*

8 (c) \* \* \*

9 (3) The limitations of paragraph (2) shall not apply in the  
10 case of cancer in the occupation of fire-fighter. The employer  
11 shall have the burden of proving that the fire-fighter's  
12 occupation was not a major contributing cause of the fire-  
13 fighter's lung carcinoma.

14 \* \* \*

15 Section 3. The provisions of this act shall be retroactive  
16 to January 1, 1989.

17 Section 4. This act shall take effect in 60 days.