

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 98

Session of
2005

INTRODUCED BY LOGAN, STOUT, COSTA, RAFFERTY, KITCHEN AND
PILEGGI, JANUARY 31, 2005

REFERRED TO LABOR AND INDUSTRY, JANUARY 31, 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
20 or partial disability or death, after four years or more of
21 service in fire fighting for the benefit or safety of the

1 public, caused by exposure to heat, smoke, fumes or gasses,
2 arising directly out of the employment of any such firefighter.

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

5 Section 301. * * *

6 (c) * * *

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

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

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