

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1768 Session of
2007

INTRODUCED BY CALTAGIRONE, D. O'BRIEN, BELFANTI, SOLOBAY,
BARRAR, BASTIAN, BLACKWELL, BRENNAN, CONKLIN, COSTA, CRUZ,
CURRY, DALEY, DeLUCA, GEIST, GEORGE, GIBBONS, GINGRICH,
GOODMAN, GRUCELA, HARKINS, HENNESSEY, HESS, HORNAMAN, KORTZ,
KOTIK, KULA, LEACH, MAHONEY, MARKOSEK, McGEEHAN, MICOZZIE,
MOYER, MURT, M. O'BRIEN, PARKER, PETRARCA, PETRONE, REICHLEY,
SAINATO, SIPTROTH, K. SMITH, SURRA, J. TAYLOR, THOMAS, VEREB,
J. WHITE, YOUNGBLOOD, HELM, JAMES, MANN, WOJNAROSKI, SABATINA
AND PAYNE, JULY 17, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 25, 2008

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.

1 * * *

2 (r) Cancer, resulting in either temporary or permanent total
3 or partial disability or death, after four years or more of
4 service in firefighting for the benefit or safety of the public,
5 caused by exposure to heat, smoke, fumes or gasses, arising
6 directly out of the employment of any such firefighter.

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

9 Section 301. * * *

10 (c) * * *

11 (3) The limitations of paragraph (2) shall not apply in the
12 case of cancer in the occupation of firefighter. The employer
13 shall have the burden of proving that the firefighter's
14 occupation was not a major contributing cause of the
15 firefighter's lung carcinoma CANCER.

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17 ~~Section 3. The provisions of this act shall be retroactive~~
18 ~~to January 1, 1989.~~

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19 ~~Section 4. This act shall take effect in 60 days.~~

20 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

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