

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 1231

PRINTER'S NO. 4393

AMOUNT

No Fiscal Impact

FUND

Workers' Compensation Fund

DATE INTRODUCED

April 7, 2009

PRIME SPONSOR

Representative Murphy

HISTORY OF BILL

Referred to LABOR RELATIONS, April 7, 2009

Reported as amended, May 5, 2009

First consideration, May 5, 2009

Laid on the table, May 5, 2009

Removed from table, May 6, 2009

Re-committed to APPROPRIATIONS, May 6, 2009

Re-reported as committed, Aug. 5, 2009

Second consideration, with amendments, Aug. 5, 2009

(Remarks see House Journal Page 1736), Aug. 5, 2009

Laid on the table, Aug. 18, 2009

Removed from table, Aug. 18, 2009

Third consideration and final passage, Aug. 19, 2009 (186-3)

(Remarks see House Journal Page 1794-1795), Aug. 19, 2009

In the Senate

Referred to LABOR AND INDUSTRY, Sept. 2, 2009

Reported as amended, Sept. 28, 2010

First consideration, Sept. 28, 2010

Re-referred to APPROPRIATIONS, Sept. 28, 2010

Re-reported as committed, Oct. 13, 2010

Second consideration, Oct. 13, 2010

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

DESCRIPTION AND PURPOSE OF BILL

House Bill 1231 amends the Workers' Compensation Act to include cancer as an occupational disease for firefighters when caused by a Group 1 carcinogen as identified by the International Agency for Research on Cancer. Eligibility for workers' compensation benefits is limited to firefighters who have served four or more years in continuous firefighter duties and who can establish direct exposure to a Group 1 carcinogen. Firefighters must also pass a physical examination prior to filing a claim or prior to engaging in firefighting duties. The physical examination must fail to reveal any evidence of the condition of cancer. Claims made by firefighters meeting the above criteria, and within 300 weeks after the last date of employment invoke presumption. The presumption can be rebutted by a preponderance of evidence that shows the claimant engaged in conduct or activities outside of firefighting duties that posed a substantial risk of causing cancer, including the continuous use of tobacco products for two or more years for cancers primarily caused by a smoking or tobacco product.

Claims may be made by a firefighter pursuant to cancers caused by Group 1 carcinogens within 600 weeks after the last date of employment. However, presumption only applies to claims made within the first 300 weeks after the last date of employment.

The Department of Labor and Industry is required to submit data on the number of successful claims two years following the adoption of the act and every two years thereafter. The data must be submitted to the chairman and minority chairman of the Senate Labor & Industry Committee and the chairman and minority chairman of the House Labor Relations committee.

The act takes effect immediately.

FISCAL IMPACT:

No fiscal impact to the Commonwealth will result from the provisions in the bill. However, local government entities, trusts, municipalities, and those volunteer fire companies which are self-insured, may experience additional costs due to increased payments for benefits and the resultant potential increase in the entity's workers' compensation premiums.