

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1231 Session of 2009

INTRODUCED BY MURPHY, CALTAGIRONE, ADOLPH, BARRAR, BELFANTI, BOYLE, BRADFORD, BRENNAN, BRIGGS, BROWN, CASORIO, COHEN, CRUZ, DALEY, DEASY, DeLUCA, DePASQUALE, FARRY, FLECK, FREEMAN, GALLOWAY, GEORGE, GIBBONS, GINGRICH, GOODMAN, GRUCELA, HALUSKA, HARKINS, HELM, HENNESSEY, HESS, HORNAMAN, HUTCHINSON, JOSEPHS, W. KELLER, KORTZ, KOTIK, KULA, LENTZ, LONGIETTI, MAHONEY, MANDERINO, MANN, MARKOSEK, MATZIE, McCALL, McGEEHAN, McILVAINE SMITH, MENSCH, MICOZZIE, D. O'BRIEN, M. O'BRIEN, O'NEILL, PETRARCA, PETRI, PHILLIPS, PYLE, READSHAW, REICHLEY, ROCK, SABATINA, SANTONI, SCAVELLO, SEIP, SHAPIRO, SIPTROTH, K. SMITH, SOLOBAY, SONNEY, STABACK, J. TAYLOR, WALKO, WATSON, YOUNGBLOOD, YUDICHAK, BEYER AND MURT, APRIL 7, 2009

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 7, 2009

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

1 this act, shall mean only the following diseases.

2 \* \* \*

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

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

10 Section 301. \* \* \*

11 (c) \* \* \*

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

17 \* \* \*

18 Section 3. This act shall take effect immediately.