

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 797 Session of 2009

INTRODUCED BY BOSCOLA, LOGAN, TARTAGLIONE, FONTANA, ERICKSON, ORIE, RAFFERTY, KASUNIC, MUSTO, WASHINGTON, ALLOWAY AND FARNESE, APRIL 23, 2009

REFERRED TO LABOR AND INDUSTRY, APRIL 23, 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 further providing for the scope of "injury,"
 9 "personal injury" and "injury arising in the course of his
 10 employment."

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

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

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

19 * * *

20 (r) Cancer, resulting in either temporary or permanent total
 21 or partial disability or death, after four years or more of

1 service in firefighting for the benefit or safety of the public,
2 caused by exposure to heat, smoke, fumes or gasses, arising
3 directly out of the employment of any such firefighter.

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

6 Section 301. * * *

7 (c) * * *

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

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

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