

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	5 - 0 - 0
<b>Yeas:</b>	George, Monnes Anderson, Prozanski, Telfer, Rosenbaum
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Jeremy Sarant, Administrator
<b>Meeting Dates:</b>	2/25

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**WHAT THE MEASURE DOES:** Adds twelve types of cancer (brain, colon, stomach, testicular, prostate, multiple myeloma, non-Hodgkin's lymphoma, throat, mouth, rectal, breast, or leukemia) to the existing firefighter presumption for employment-caused occupational diseases under the workers' compensation system. Applies presumption to non-volunteer firefighters who have completed at least five years of employment and are first diagnosed by a physician after July 1, 2009. Defines "nonvolunteer firefighter." Establishes that presumption cannot be applied to claims filed more than seven years following the termination of employment as a nonvolunteer firefighter. Allows that presumption may be rebutted by clear and convincing evidence that the cancer was not caused or contributed to in material part by the firefighter's employment, or that tobacco use was the major contributing cause of the cancer. States that presumption cannot be applied to prostate cancer first diagnosed after the firefighter reaches the age of 55. Requires that presumption also be applied by cities that provide a separate disability and retirement system for firefighters.

**ISSUES DISCUSSED:**

- Financial burden on family of sick firefighter
- Source of funding for workers compensation
- Financial burden on some cities
- Changes in bill from prior bills in previous sessions

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies that new language in proposed measure is the only part of statutory section applicable to cities with separate disability and retirement system.

**BACKGROUND:** Current workers' compensation law establishes a "presumption" that, for firefighters, specific diseases, including any disease of the lungs or respiratory tract, hypertension, or cardiovascular-renal disease, are occupational diseases. In order to qualify for the presumption, the claimant must have completed at least five years of employment as a firefighter and must have taken a physical examination upon becoming a firefighter, or subsequently after commencing employment, that failed to show any evidence of the disease being claimed. Once the presumption is established, the burden is on the employer to prove that the disease is not work related.

Portland is the only jurisdiction in Oregon that provides its own separate disability and retirement system for firefighters, and is subject to the requirements of the bill. This bill received a recommendation from the Workers' Compensation Management-Labor Advisory Committee (MLAC).