

REVENUE: No revenue impact  
FISCAL: Fiscal statement issued

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Action:	Do Pass
Vote:	9 - 1 - 0
Yeas:	Barton, Cameron, Edwards C., Holvey, Kennemer, Matthews, Thatcher, Witt, Schaufler
Nays:	Esquivel
Exc.:	0
Prepared By:	Theresa Van Winkle, Administrator
Meeting Dates:	1/30

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**WHAT THE MEASURE DOES:** Adds twelve types of cancer 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. Establishes the presumption cannot be applied to claims filed more than seven years following the termination of employment as a non-volunteer firefighter. Allows for the presumption to be rebuttable by clear and convincing evidence that the cancer was not caused or contributed to in material part by the firefighter's employment, or if tobacco use was the major contributing cause of the cancer. States the presumption cannot be applied to prostate cancer if the first diagnosis was made after the firefighter reaches the age of 55. Requires the presumption also be made by cities that provide a separate disability and retirement system.

**ISSUES DISCUSSED:**

- Recommendation from the Workers' Compensation Management-Labor Advisory Committee (MLAC)
- Efforts amongst stakeholder groups in crafting the measure
- Potential fiscal impact on local government
- Potential effects to the workers' compensation system, i.e. rate increases

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Current workers' compensation law establishes a "presumption" for specific occupational diseases (any disease of the lungs or respiratory tract, hypertension, or cardiovascular-renal disease) for firefighters. 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 their employment, that failed to show any evidence of the cancer being claimed. Once the presumption is established, the burden is on the employer to prove that the disease is not work related.

House Bill 2420 expands the types of cancer covered under the existing presumption to include brain, colon, stomach, testicular, prostate, throat, mouth, rectal, and breast cancer; multiple myeloma, non-Hodgkin's lymphoma, and leukemia. The measure defines a "non-volunteer firefighter" as one who performs firefighting services and receives either a salary or wages equal to or greater than Oregon's minimum wage, or receives other compensation minus lodging/housing, meals, stipends, reimbursement for expenses or nominal payments for time and travel (i.e. payments for on-call time).

Portland is the only jurisdiction in Oregon that provides its own retirement and disability compensation package to firefighters.

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*This summary has not been adopted or officially endorsed by action of the committee.*