

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4113 - A

81st Oregon Legislative Assembly – 2022 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Michael Graham
Reviewed by: John Borden, Ben Ruef, Amanda Beitel
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Measure Description:

Adds to cancers covered by rebuttable presumption of occupational disease for eligible nonvolunteer firefighters. Directs the Workers’ Compensation Management-Labor Advisory Committee to review and consider reports, findings, and analyses that are related to cancers associated with nonvolunteer firefighters.

Government Unit(s) Affected:

Cities, Special Districts, Department of Consumer and Business Services (DCBS), Oregon Judicial Department (OJD)

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

House Bill 4113 A-engrossed adds to the list of cancers covered by the rebuttable presumption of occupational disease for eligible nonvolunteer firefighters. More specifically, the measure expands the specific types of cancers covered by the rebuttable presumption to include bladder cancer and gynecologic cancer of the uterus, fallopian tubes, ovaries, cervix, vagina, or vulva. The measure also directs the Workers’ Compensation Management-Labor Advisory Committee to review and consider reports, findings, and analyses made public by the National Institute for Occupational Safety and Health that are related to cancers associated with nonvolunteer firefighters. The measure takes effect on January 1, 2023.

Cities and Special Districts

In order for a worker to have an accepted workers’ compensation claim, the injury or disease must be work-related. For certain types of conditions, the law has different requirements for the worker to prove the claim. For firefighters and other public safety personnel, the law contains a “presumption” for specific occupational diseases. A presumption does not mean a claim is automatically accepted. Rather, a presumption shifts the burden of proof from the worker to prove the claim is work-related to requiring the self-insured employer or insurer to show the condition is not work-related.

The law currently establishes a presumption for nonvolunteer firefighters who are diagnosed with brain cancer, colon cancer, stomach cancer, testicular cancer, prostate cancer, multiple myeloma, non-Hodgkin’s lymphoma, cancer of the throat or mouth, rectal cancer, breast cancer, or leukemia. The measure adds bladder and a series of female reproductive cancers to the presumption.

There are approximately 3,700 nonvolunteer firefighters currently employed in the state of Oregon, a couple hundred of which are female, according to the Special Districts Association of Oregon. It is unknown how many additional claims may be filed because of this measure, but additional claims will likely increase insurance premiums paid by cities and rural fire protection districts. For that reason, the fiscal impact is indeterminate.

Department of Consumer and Business Services and Oregon Judicial Department

The measure is anticipated to have a minimal fiscal impact on the Department of Consumer and Business Services’ Workers’ Compensation Board and the Oregon Judicial Department.