

WORKERS COMP: FIREFIGHTERS' CANCER

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House Bill 4401

Sponsor: Rep. Steve Tobocman

Committee: Labor

Complete to 10-23-07

A REVISED SUMMARY OF HOUSE BILL 4401 AS INTRODUCED 3-6-07

The bill would amend the Worker's Disability Compensation Act to establish certain cancers as a presumption of eligibility for firefighters under the worker's compensation program, if the firefighters had not smoked cigarettes or used tobacco products during the five years prior to filing a claim.

Specifically under the bill, "personal injury" would include all respiratory tract, bladder, skin, brain, kidney, blood, and lymphatic cancers for a member of a fully paid fire department who was employed 24 months or more. (This would be in addition to the current provision that includes respiratory and heart diseases under "personal injury" for firefighters and for certain public safety officers.)

These diseases would be considered to arise out of and in the course of employment, in *the absence of affirmative evidence of non-work related causation, or specific incidents that establish a cause independent of the employment, and not merely evidence of a pre-existing condition or an abstract medical opinion that employment was not the cause of the disease or condition.* However, if there is evidence that a member of a fully paid fire department had been a consistent smoker of cigarettes or other tobacco products within the five years immediately preceding the date of filing a claim, then the diseases noted above would *not* be considered as arising out of and in the course of employment.

Currently, the section being amended says that "personal injury" for the purposes of workers' compensation for various public safety personnel and firefighters includes respiratory and heart diseases, and says that illnesses resulting from them *are deemed to arise out of and in the course of employment in the absence of evidence to the contrary.* The bill would instead apply to these diseases as well the new standard described in the paragraph above.

The bill specifies that this conditional presumption would apply to the medical benefits provided under Section 315 of the act. The bill also specifies that if an employee were eligible for any pension benefits, that eligibility would not prohibit the employee (or the dependents of that employee) from receiving benefits under Section 315 for the medical expenses (or portion of medical expenses) that are not provided for by the pension program.

MCL 418.405

FISCAL IMPACT:

The bill will increase worker's compensation disability costs for airports, local units of government, the Michigan State Police, state colleges and universities, and state conservation officers. The amount of this increase will need to be actuarially determined, possibly on a state-wide basis to ensure a large enough population.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.