

FIREFIGHTER PRESUMPTIVE CANCER LEGISLATION IN THE UNITED STATES



FIRST RESPONDER
Center for Excellence

Firefighter Presumptive Legislation: A Call to Action

For the past several years we have been quick to take a victory lap every time another state enacts firefighter presumptive cancer legislation. It was not long ago that more than half of the states did not have any such legislation on the books. Today, all 50 states, the District of Columbia, and Federal Firefighters all have some type of presumptive cancer legislation.

This legislative shift to best protect our firefighters is welcome and perhaps long overdue. However, a deeper dive into the specifics of these laws reveals a stunning difference in the coverage and what presumptive legislation means. This can be a time-consuming frustrating task, especially for individual firefighters with cancer and his or her family trying to figure it all out.

When we discuss presumptive laws we are talking about laws that establish a presumption that certain types of cancers contracted by firefighters are the result of duty-related exposure (occupational illness). These laws typically allow the families of firefighters who contract covered types of cancer to receive compensation in various and wide-ranging forms.

Most state laws require various conditions that must be met for the cancer presumption to be valid. As an example, many include a physical examination upon joining the department, no tobacco use, or a specific period of time served as a firefighter. These conditions are intended to protect the entity that is responsible for paying the benefit from having to compensate firefighters whose cancer was not contracted as a result of duty-related exposure. Because every state is unique, there's a wide variety of legislation currently on the books with many inconsistencies. I urge you to look at your state's coverage.

Recently as part of a larger project with the First Responder Center for Excellence (FRCE) we researched the presumptive legislation of every state. Simply finding the relevant laws in some states proved difficult and time-consuming. Some laws are not clear and challenging to understand while others are specifically worded to minimize their usefulness leaving great leeway for interpretation and therefore lengthy litigation.

Cancer is a hazard to the job of firefighters navigating presumptive laws and the need to fight for coverage should not be. Thankfully, there are a few states that appear to be doing it right. This is important because consensus on “what right looks like” is extremely important. Simply stated, we should no longer be happy that there is presumptive legislation in all 50 states.

Our collective call to action is to develop a cohesive and unified strategy built around and modeled after the states that are doing it better than others. Part of the evaluation of “who is doing it better” must include a conversation on timely payouts and litigation. The payout also needs to be part of the conversation as some of the legislation would not even cover the out-of-pocket medical expenses. Far too often there are stories of firefighters dying while waiting and still fighting for this perceived and needed benefit.

This list of the 50 states is an updated and comprehensive database of all current (defined as of September 1, 2022) firefighter cancer presumptive laws.

A handwritten signature in blue ink, appearing to read "Ed Klima".

Ed Klima

FRCE Managing Director

A handwritten signature in blue ink, appearing to read "Frank Leeb".

Frank Leeb

FDNY Deputy Assistant Chief

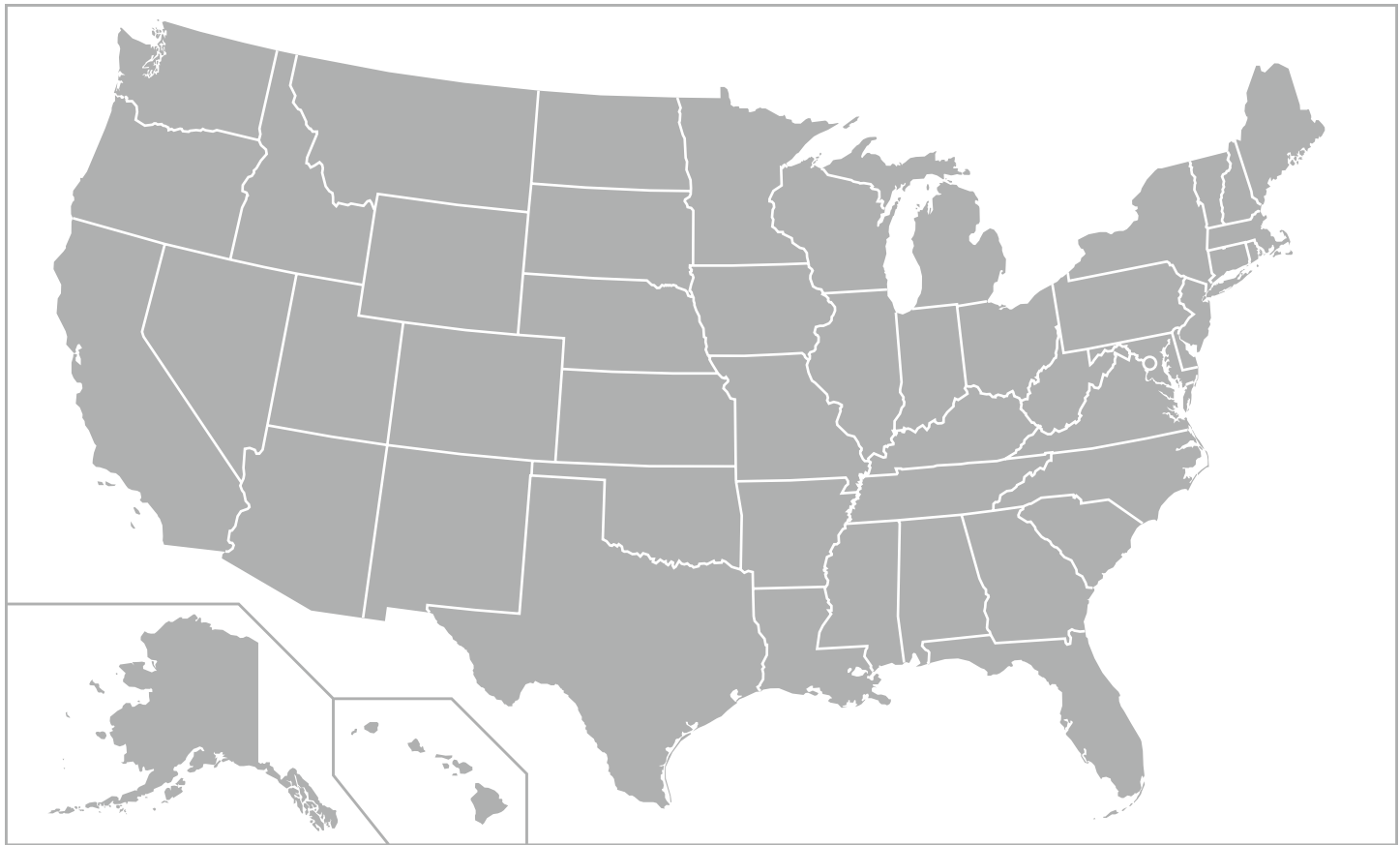


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Alabama

Eligibility

This bill requires that a fire department provide supplemental insurance coverage to pay the claims of a career firefighter who has served 12 consecutive months as a firefighter and who has been diagnosed with cancer under certain conditions, and would make the same coverage available to certain volunteer firefighters.

Coverage

Bladder, blood, brain, breast, cervical, esophageal, intestinal, kidney, lymphatic, lung, prostate, rectum, respiratory tract, skin, testicular, thyroid, leukemia, multiple myeloma, Hodgkin's lymphoma, non-Hodgkin's lymphoma.

Resources



<http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2019RS/PrintFiles/HB360-int.pdf>



<https://www.aldailynews.com/new-law-helps-firefighters-diagnosed-with-cancer/>



<https://insurance.glatfelters.com/what-is-alabama-hb360-and-does-it-apply-to-my-fire-department>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

Following termination of service, the presumption established extends to the firefighter for a period of three calendar months for each year of requisite service but may not extend more than 60 calendar months following the last date of employment.

The presumption established applies only to an active or former firefighter who has a disease described that develops or manifests itself after the firefighter has served in the state for at least seven years and who was given a qualifying medical examination upon becoming a firefighter that did not show evidence of the disease; was given an annual medical exam during each of the first seven years of employment that did not show evidence of the disease; and with regard to diseases demonstrates that, while in the course of employment as a firefighter, the firefighter was exposed to a known carcinogen, as defined by the International Agency for Research on Cancer or the National Toxicology Program, and the carcinogen is associated with disabling cancer.

The presumption set out in this section applies only to a firefighter who, at a minimum, holds a certificate as a Firefighter I by the Department of Public Safety under firefighter testing and certification standards established by the department.

Coverage

Primary brain cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder, urethra, kidney, prostate, breast.

Resources



<https://www.akleg.gov/basis/statutes.asp#23.30.121>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://www.akleg.gov/basis/Bill/Text/31?Hsid=HB0084A>



<https://www.businessinsurance.com/article/20220803/NEWS08/912351568/Alaska-governor-Mike-Dunleavy-signs-firefighter-presumption-bill-breast-cancer->



<https://www.alaskasenate.org/post/alaska-senate-passes-bill-expanding-coverage-for-firefighters>



The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

The firefighter or fire investigator passed a physical examination before employment and the examination did not indicate evidence of cancer. The firefighter or fire investigator was assigned to hazardous duty for at least five years. The firefighter received a physical examination that is reasonably aligned with the national fire protection association standard on comprehensive occupational medical program for fire departments (NFPA 1582). Firefighters or fire investigators currently in service. Former firefighters or fire investigators who are sixty-five years of age or younger and who are diagnosed with a cancer that is listed and not more than fifteen years after the firefighter's or fire investigator's last date of employment as a firefighter or fire investigator. Exclusion: cancers of the respiratory tract if there is evidence that the firefighter's or fire investigator's exposure to cigarettes or tobacco products outside of the scope of the firefighter's or fire investigator's official duties is a substantial contributing cause in the development of cancer. "Firefighter" means a full-time firefighter who was regularly assigned to hazardous duty. "Fire investigator" means a person who is employed full-time with a municipality or fire district and who is trained in the process of and responsible for determining the origin, cause, and development of a fire or explosion.

Coverage

Adenocarcinoma, brain, bladder, buccal cavity, colon, pharynx, esophagus, large intestine, lung, kidney, prostate, rectal, skin, stomach, ovarian, breast, lymphoma, leukemia, testicular, non-Hodgkin's lymphoma, malignant melanoma, mesothelioma of the respiratory tract, multiple myeloma.

Resources



<https://www.azleg.gov/legtext/54leg/2R/bills/SB116OP.pdf>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://law.justia.com/codes/arizona/2021/title-23/section-23-901-09/>



<https://prescottnews.com/index.php/2021/04/19/governor-ducey-signs-legislation-supporting-firefighters-with-cancer/>



The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Arkansas



Eligibility

An active member with five (5) years of credited service, including credited service for seventy-five percent (75%) of the two (2) years immediately preceding his or her disability, who while an active member becomes totally and permanently physically or mentally incapacitated for any suitable duty as an employee as a result of a personal injury or disease, may be retired by the Board of Trustees of the Arkansas Local Police and Fire Retirement System upon a proper application filed with the board by or on behalf of the member or former member.

A finding that a firefighter or volunteer firefighter was diagnosed with cancer while he or she was in the line of duty may be rebutted by a preponderance of the evidence.

Coverage

Leukemia, lymphoma, mesothelioma, or multiple myeloma; cancer of the brain, urinary tract, liver, skin, breast, cervix, thyroid, prostate, testicle, colon, or digestive tract.

Cancer that has been found by research and statistics to show higher instances of occurrence in firefighters than in the general population, if the firefighter was exposed to a known carcinogen, as determined by the Department of Health with consideration to the findings of the International Agency for Research on Cancer, while in the official line of duty.

Resources



<https://www.arkleg.state.ar.us/Acts/Document?type=pdf&act=638&ddBienniumSession=2019%2F2019R>



<https://www.governing.com/archive/a-lifeline-for-rescuers-new-laws-assist-ailing-arkansas-firefighters.html>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

California

Eligibility

Active firefighting members, whether volunteers, partly paid, or fully paid, of all of the following fire departments: (A) A fire department of a city, county, city, and county, district, or other public or municipal corporation or political subdivision. B) A fire department of the University of California and California State University. (C) The Department of Forestry and Fire Protection. (D) A county forestry or firefighting department or unit. (2) Active firefighting members of a fire department that serves a United States Department of Defense installation and who are certified by the Department of Defense as meeting its standards for firefighters. (3) Active firefighting members of a fire department that serves a National Aeronautics and Space Administration installation and who adhere to the training standards established.

Coverage

The term “injury,” as used in this division, includes cancer, including leukemia, that develops or manifests itself during a period in which firefighter is in the service of the department or unit, if the member demonstrates that he or she was exposed, while in the service of the department or unit, to a known carcinogen as defined by the International Agency for Research on Cancer, or as defined by the director.

Resources



http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2251-2300/ab_2253_bill_20100528_amended_asm_v98.pdf



<https://csm.ca.gov/decisions/171.pdf>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://www.workinjuryhelp.com/public-safety-law-enforcement/what-is-a-cancer-presumption/>



https://california.public.law/codes/ca_lab_code_section_3212.1

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Colorado

Eligibility

Full-time career firefighters:

At least five years of continuous, employment in the fire service. A medical exam is required after the start of employment but prior to a claim. Be diagnosed with cancer before ten (10) years after the end of their employment with the fire department.

Part-time career firefighters:

At least ten years of continuous employment in the fire service. A medical exam is required after the start of employment but prior to a claim. Be diagnosed with cancer before ten (10) years after the end of their employment with the fire department. Maintain at least 36 hours of training per year.

Volunteer firefighters:

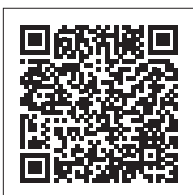
At least ten years of continuous active duty in the fire service. A medical exam is required after the start of employment but prior to a claim. Be diagnosed with cancer before ten (10) years after the end of their service with the fire department. Maintain at least 36 hours of training per year.

Coverage

The original bill (2007) provided presumptive coverage for specific cancers. A latter bill allowed fire departments to join the CFHC Trust's Cancer Program and move cancer out of workers' compensation and move into an alternative program. The trust is granted the legal authority to add presumptive cancers.

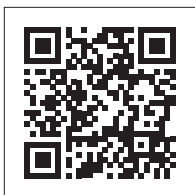
Brain, digestive system, hematological system, genitourinary system, skin, breast, and thyroid.

Resources

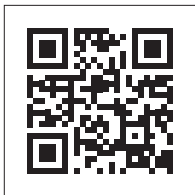


https://leg.colorado.gov/sites/default/files/2017a_214_signed.pdf

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<http://www.cfhtrust.com/cancer/>



<http://www.cfhtrust.com/>



The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Connecticut

Eligibility

Provided (1) such firefighter successfully passed a physical examination upon entry into such service, or subsequent to entry, as the case may be, that failed to reveal any evidence of such cancer, (2) such firefighter has submitted to annual physical examinations subsequent to entry into such service that have failed to reveal any evidence of such cancer or a propensity for such cancer, (3) such firefighter has not used any cigarettes, or any other tobacco products, within fifteen years of applying for wage replacement benefits, (4) such firefighter has worked for not less than five years on or after February 1, 2017, as (A) an interior structural firefighter at a paid municipal, state or volunteer fire department, or (B) a local fire marshal, deputy fire marshal, fire investigator, fire inspector or such other class of inspector or investigator for whom the State Fire Marshal and the Codes and Standards Committee, acting jointly, have adopted minimum standards of qualification.

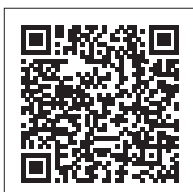
Coverage

Brain, skin, skeletal system, digestive system, endocrine system, respiratory system, lymphatic system, reproductive system, urinary system, or hematological system.

Resources



https://www.lawserver.com/law/state/connecticut/ct-laws/connecticut_statutes_7-313g



https://www.lawserver.com/law/state/connecticut/ct-laws/connecticut_statutes_7-313j

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

A Volunteer or Paid Firefighter, EMT, Paramedic, Fire Instructor, Fire Marshal, and Fire Police will be eligible for coverage under this provision after 3 years of active service.

Any person who was simultaneously a member of more than 1 class at the time of diagnosis shall not be entitled to receive benefits from, or on behalf of, more than 1 such class but is entitled to the higher of the 2 classes.

A covered member shall remain eligible for benefits for 60 months after the formal cessation of the member's status as an Active Volunteer Firefighter, Paid Firefighter.

"Active" means either of the following:

- a. A paid service member who has worked at least 1,250 hours within the previous 12-month period.
- b. A volunteer member with Active status as defined by his or her individual fire or emergency service company.

Coverage

This includes bladder, blood, brain, breast, cervical, esophageal, intestinal, kidney, lymphatic, lung, prostate, rectal, respiratory tract, skin, testicular, and thyroid cancer; leukemia, multiple myeloma; or non-Hodgkin's lymphoma.

Resources



<https://legiscan.com/DE/text/SB160/id/2411102>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://legis.delaware.gov/BillDetail?LegislationId=78787>



<https://legis.delaware.gov/BillDetail?legislationId=47553>



<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=47553&legislationTypeId=1&docTypeId=2&legislationName=SB126>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

Be employed full-time as a firefighter.

Be employed by the state, university, city, county, port authority, special district, or fire control district.

Have been employed by his or her employer for at least five continuous years;

Not have used tobacco products for at least the preceding five years; and have not been employed in any other position in the preceding five years which is proven to create a higher risk for cancer.

Coverage

Bladder cancer, brain cancer, breast cancer, cervical cancer, colon cancer, esophageal cancer, invasive skin cancer, kidney cancer, large intestinal cancer, lung cancer, malignant melanoma, mesothelioma, multiple myeloma, non-Hodgkin's lymphoma, oral cavity and pharynx cancer, ovarian cancer, prostate cancer, rectal cancer, stomach cancer, testicular cancer, and thyroid cancer.

Resources

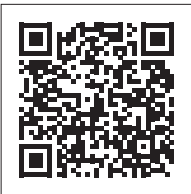


<https://www.flsenate.gov/Session/Bill/2019/426/BillText/er/PDF>



<https://www.flsenate.gov/Committees/bills/summaries/2019/html/1930#:~:text=makes%20firefighters%20who%20are%20diagnosed,firefighter's%20initial%20diagnosis%20of%20cancer.>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://www.flsenate.gov/Session/Bill/2019/426>



<https://firefighterssupportalliance.com/florida-law-covers-cancer-in-firefighters/>



The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

On and after January 1, 2018, a legally organized fire department shall provide and maintain sufficient insurance coverage on each member of the fire department who is a firefighter to pay claims for cancer diagnosed after having served 12 consecutive months as a firefighter with such fire department.

Coverage

Bladder, blood, brain, breast, cervical, esophageal, intestinal, kidney, lymphatic, lung, prostate, rectum, respiratory tract, skin, testicular, and thyroid cancer; leukemia; multiple myeloma; or non-Hodgkin's lymphoma.

Resources



<https://www.nvfc.org/wp-content/uploads/2016/04/Georgia-Firefighter-Cancer-Presumption-Law.pdf>



News: <https://www.gsffa.org/firefighter-cancer-benefit-program-information>



<https://www.thehartford.com/resources/gb/georgia-firefighters>



<https://irp-cdn.multiscreensite.com/b9e2ca7f/files/uploaded/gfcbp-faq.pdf>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://firefighterssupportalliance.com/presumptive-cancer-benefits-in-georgia/>



The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

An employee with five or more years of service as a firefighter is eligible.

Coverage

Leukemia, multiple myeloma, non-Hodgkin lymphoma, or cancer of the lung, brain, stomach, esophagus, intestines, rectum, kidney, bladder, prostate, or testes.

Resources



https://fire.honolulu.gov/wp-content/uploads/2020/12/HB1778_CD1_.pdf



<https://fire.honolulu.gov/retirees/>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Idaho

Eligibility

As used in this subsection, “firefighter” means an employee whose primary duty is that of extinguishing or investigating fires as part of a fire district, fire department or fire brigade.

The presumption created in this subsection shall not apply to any specified disease diagnosed more than ten (10) years following the last date on which the firefighter actually worked as a firefighter.

Nor shall the presumption apply if a firefighter or a firefighter’s cohabitant has regularly and habitually used tobacco products for ten (10) or more years prior to the diagnosis.

Coverage

The disease shall be presumed to be proximately caused by the firefighter’s employment as a firefighter:

- Brain cancer after ten (10) years
- Bladder cancer after twelve (12) years
- Kidney cancer after fifteen (15) years
- Colorectal cancer after ten (10) years
- Non-Hodgkin’s lymphoma after fifteen (15) years
- Leukemia after five (5) years
- Mesothelioma after ten (10) years
- Testicular cancer after five (5) years if diagnosed before the age of forty (40) years with no evidence of anabolic steroids or human growth hormone use
- Breast cancer after five (5) years if diagnosed before the age of forty (40) years without a breast cancer 1 or breast cancer 2 genetic predisposition to breast cancer
- Esophageal cancer after ten (10) years
- Multiple myeloma after fifteen (15) years

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Resources



<https://www.firefighternation.com/leadership/idaho-house-passes-cancer-presumption-bill/>



<https://legislature.idaho.gov/statutesrules/idstat/Title72/T72CH4/SECT72-438/>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Illinois

Eligibility

Any active firefighter who has completed 5 or more years of service and is unable to perform his or her duties in the fire department by reason of a disabling cancer, which develops or manifests itself during a period while the firefighter is in the service of the fire department, shall be entitled to receive an occupational disease disability benefit during any period of such disability for which he or she does not have a right to receive salary.

Coverage

In order to receive this occupational disease disability benefit, the type of cancer involved must be a type which may be caused by exposure to heat, radiation or a known carcinogen as defined by the International Agency for Research on Cancer and the cancer must (and is rebuttably presumed to) arise as a result of service as a firefighter.

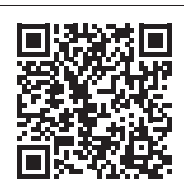
Resources



<https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=004000050K4-110.1#:~:text=If%20the%20examination%20discloses%20impairment,no%20such%20impairment%20or%20cancer>



<https://www.chicagotribune.com/opinion/letters/ct-letters-firefighter-pension-colon-cancer-buffalo-grove-20180614-story.html>



<https://www.cga.ct.gov/2009/rpt/2009-R-0110.htm>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

Employed full time by the state or a political subdivision of the state as:

- (A) A member of a fire department
- (B) An emergency medical services provider
- (C) A member of a police department

(2) In the course of the individual's employment, is at risk for occupational exposure; and is not employed elsewhere by the state or a political subdivision of the state in a similar capacity.

Exclusion: Used tobacco products in any form in the five (5) years before the time the individual is diagnosed

Coverage

As used in this chapter, "exposure related cancer" refers to a cancer that is caused by a known carcinogen to which an individual is at risk for occupational exposure.

As used in this chapter, "known carcinogen" refers to a substance or agent the exposure to which is recognized by:

1. The International Agency for Research on Cancer; or
2. The National Institute for Occupational Safety and Health; as creating a high risk for the development of cancer.

Resources



<https://iga.in.gov/legislative/laws/2021/ic/titles/005#5-10-15>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Iowa

Eligibility

“Fire fighter” or “fire fighters” shall mean only the members of a fire department who have passed a regular mental and physical civil service examination for fire fighters and who shall have been duly appointed to such position. Such members shall include fire fighters, probationary fire fighters, lieutenants, captains, and other senior officers who have been so employed for the duty of fighting fires.

Coverage

Disease under this subsection shall also mean cancer or infectious disease and shall be presumed to have been contracted while on active duty as a result of that duty.

“Cancer” means prostate cancer, primary brain cancer, breast cancer, ovarian cancer, cervical cancer, uterine cancer, malignant melanoma, leukemia, non-Hodgkin’s lymphoma, bladder cancer, colorectal cancer, multiple myeloma, testicular cancer, and kidney cancer.

Resources



<https://www.legis.iowa.gov/docs/code/2022/411.pdf>



<https://www.firehouse.com/safety-health/news/10460424/presumption-law-helps-family-of-iowa-firefighter>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

Prior to July 1, 1998, “fireman” or “firemen” means an employee assigned to the fire department and engaged in the fighting and extinguishment of fires and the protection of life and property there from or in support thereof and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such. On and after July 1, 1998, “fireman” or “firemen” means an employee assigned to the fire department whose principal duties are engagement in the fighting and extinguishment of fires and the protection of life and property there from and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such.

Coverage

“Service-connected” means with regard to a death or any physical or mental disability, any such death or disability resulting from external force, violence or disease occasioned by an act of duty as a policeman or fireman and, for any member after five years of credited service, there shall be a rebuttable presumption, that any death or disability resulting from a heart disease or disease of the lung or respiratory tract or cancer as provided in this subsection, except that in the event that the member ceases to be a contributing member by reason of a service-connected disability for a period of six months or more and then again becomes a contributing member, the provision relating to death or disability resulting from a heart disease, disease of the lung or respiratory tract or cancer as provided in this subsection shall not apply until such member has again become a contributing member for a period of not less than two years or unless clear and precise evidence is presented that the heart disease, disease of the lung or respiratory tract or cancer as provided in this subsection was in fact occasioned by an act of duty as a policeman or fireman.

If the retirement system receives evidence to the contrary of such presumption, the burden of proof shall be on the member or other party to present evidence that such death or disability was service-connected.

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

The provisions of this section relating to the presumption that the death or disability resulting from cancer is service-connected shall only apply if the condition that caused the death or disability is a type of cancer which may, in general, result from exposure to heat, radiation or a known carcinogen.

Resources



https://www.ksrevisor.org/statutes/chapters/ch74/074_049_0052.html



https://law.justia.com/codes/kansas/2009/chapter74/statutes_32632.html

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

For the purposes of this section, if a firefighter dies as a result of cancer, the death shall be a direct result of an act in the line of duty if the firefighter:

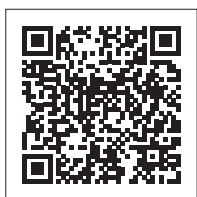
1. Was a firefighter for at least five (5) consecutive years
2. Developed one (1) or more of the cancers listed in paragraph (b) of this subsection which caused the firefighter's death within ten (10) years of separation from service as a firefighter;
3. Did not use tobacco products for a period of ten (10) years prior to the diagnosis of cancer;
4. Was under the age of sixty-five (65) at the time of death;
5. Was not diagnosed with any cancer prior to employment as a firefighter; and
6. Was exposed while in the course of firefighting to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program, and the carcinogen is reasonably associated with one (1) or more of the cancers listed in paragraph (b) of this subsection.

Coverage

This section shall apply to the following cancers:

- Bladder cancer
- Brain cancer
- Colon cancer
- Non-Hodgkin's lymphoma
- Kidney cancer
- Liver cancer
- Lymphatic or hematopoietic cancer
- Prostate cancer
- Testicular cancer
- Skin cancer
- Cervical cancer
- Breast cancer

Resources



<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=50252>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://www.iaff.org/news/kffcb/>



The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

Because of exposure to heat, smoke, and fumes or carcinogenic, poisonous, toxic, or chemical substances, when a firefighter in the classified service who has completed ten or more years of service has developed cancer, the cancer shall be classified as an occupational disease or infirmity connected with the duties of a firefighter. The disease or infirmity shall be presumed to have been caused by or to have resulted from the work performed. This presumption shall be rebuttable by evidence meeting judicial standards, and shall be extended to a member following termination of service for a period of three months for each full year of service not to exceed sixty months commencing with the last actual date of service.

Coverage

The cancer referred to in Subsection A of this Section shall be limited to the types of cancer which may be caused by exposure to heat, smoke, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer. The cancer shall also be limited to a cancer originating in the bladder, brain, colon, liver, pancreas, skin, kidney, or gastrointestinal or reproductive tract, and leukemia, lymphoma, multiple myeloma, prostate cancer, and testicular cancer, or any other type of cancer, due to occupational exposure, for which firefighters are determined to have a statistically significant increased risk over that of the general population.

Resources



<http://legis.la.gov/legis/Law.aspx?d=89498>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Maine

Eligibility

“Employed” means to be employed as an active duty firefighter or by the Office of the State Fire Marshal or by the forest protection unit within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry or to be an active member of a volunteer fire association with no compensation other than injury and death benefits.

“Firefighter” means a member of a municipal fire department or volunteer fire association whose duties include the extinguishment of fires, an investigator or sergeant in the Office of the State Fire Marshal or an employee in the forest protection unit within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry whose duties include the extinguishment or investigation of fires.

Retired firefighter - This section applies to a firefighter who is diagnosed with cancer within 10 years of the firefighter’s last active employment as a firefighter or prior to attaining 70 years of age, whichever occurs first.

Length of service - In order to qualify, the firefighter must have been employed as a firefighter for 5 years and, except for an investigator or sergeant in the Office of the State Fire Marshal or an employee in the forest protection unit within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry, regularly responded to firefighting or emergency calls.

Written verification - In order to qualify, a firefighter must sign a written affidavit declaring, to the best of the firefighter’s knowledge and belief, that the firefighter’s diagnosed cancer is not prevalent among the firefighter’s blood-related parents, grandparents or siblings and that the firefighter has no substantial lifetime exposures to carcinogens that are associated with the firefighter’s diagnosed cancer other than exposure through firefighting.

Safety equipment for investigators and sergeants in the Office of the State Fire Marshal - In order to qualify an investigator or sergeant in the Office of the State Fire Marshal must represent that the investigator or sergeant used protective equipment in compliance with the policies of the Office of the State Fire Marshal in effect during the course of the investigator’s or sergeant’s employment.

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Coverage

“Cancer” means kidney cancer, non-Hodgkin’s lymphoma, colon cancer, leukemia, brain cancer, bladder cancer, multiple myeloma, prostate cancer, testicular cancer, breast cancer or gynecologic cancer.

Resources



<https://legislature.maine.gov/statutes/39-A/title39-Asec328-B.html>



<https://legislature.maine.gov/statutes/39-A/title39-Asec328-B.pdf>



<https://www.cga.ct.gov/2009/rpt/2009-R-0110.htm>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Maryland

Eligibility

A paid firefighter, paid firefighting instructor, paid rescue squad member, paid advanced life support unit member, or a sworn member of the Office of the State Fire Marshal employed by an airport authority, a county, a fire control district, a municipality, or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member who is a covered employee..

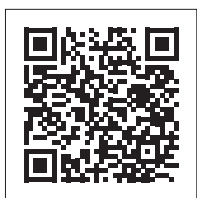
Has completed at least 10 years of service as a firefighter, firefighting instructor, rescue squad member, or advanced life support unit member or in a combination 6 of those jobs in the department where the individual currently is employed or serves.

In the case of a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member, has met a suitable standard of physical examination before becoming a firefighter, firefighting instructor, rescue squad member, or advanced life support unit member.

Coverage

Leukemia or prostate, rectal, throat, multiple myeloma, non-Hodgkin's lymphoma, brain, testicular, bladder, kidney or renal cell, or breast cancer

Resources



<https://mgaleg.maryland.gov/2019RS/bills/sb/sb0160f.pdf>



<https://law.justia.com/codes/maryland/2021/labor-and-employment/title-9/subtitle-5/section-9-503/>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://www.pinderplotkin.com/md-workers-compensation-attorney-benefits-for-firefighters-in-maryland-cancer-diagnosis/>



The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Massachusetts

Eligibility

Uniformed member of a paid fire department, or a member of the state police assigned to the fire investigation unit of the department of fire services, or a member of the state police K-9 unit, or to any permanent crash crewman, crash boatman, fire controlman or assistant fire controlman employed at the General Edward Lawrence Logan International Airport, members of the 104th fighter wing fire department, members of the Devens fire department established pursuant to chapter 498 of the acts of 1993 or members of the Massachusetts military reservation fire department, shall, if he successfully passed a physical examination on entry into such service or subsequent to such entry, which examination failed to reveal any evidence of such condition, be presumed to have been suffered in the line of duty, unless it is shown by a preponderance of the evidence that non-service connected risk factors or non-service connected accidents or hazards undergone, or any combination thereof, caused such incapacity.

The provisions of this section shall not apply to any person serving in such positions for fewer than five years at the time that such condition is first discovered, or should have been discovered. Any person first discovering any such condition within five years of the last date on which such person actively so served shall be eligible to apply for benefits hereunder, and such benefits, if granted, shall be payable as of the date on which the employee last received regular compensation. The provisions of this section shall not apply to any person serving in such position unless such person shall first establish that he has regularly responded to calls of fire or their investigation at the scene during some portion of the period of his service in such position.

Coverage

Notwithstanding the provisions of any general or special law to the contrary, any condition of cancer affecting the skin, breasts or the central nervous, lymphatic, digestive, hematological, urinary, skeletal, oral, reproductive or prostate systems, lung or respiratory tract.

The provisions of this section shall only apply if the disabling or fatal condition is a type of cancer which may, in general, result from exposure to heat, radiation, or a known or suspected carcinogen as determined by the International Agency for Research on Cancer, so called.

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Resources



<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIV/Chapter32/Section94B#:~:text=Section%2094B%3A%20Disability%20or%20death,cancer%3B%20paid%20fire%20member%3B%20presumption>



<https://www.mass.gov/service-details/the-cancer-presumption-law>



<https://www.firerescue1.com/benefits/articles/mass-governor-signs-bill-to-make-firefighter-cancer-work-related-injury-8p4MwpTkrqCgrnnz/#:~:text=LYNN%2C%20Mass.%20%E2%80%94%20A%20bill%20was%20recently%20signed,to%20illness%20for%20all%20firefighters%20diagnosed%20with%20cancer.>



<https://www.mass.gov/info-details/occupational-cancer-in-the-fire-service>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Michigan

Eligibility

For a member of a fully paid fire department of an airport operated by a county, public airport authority, or state university or college; a member of a fully paid fire or police department of a city, township, or village employed and compensated upon a full-time basis; a member of a fully paid public fire authority employed and compensated upon a full-time basis; a county sheriff and the deputies of the county sheriff; a member of the state police; a conservation officer; or an officer of the motor carrier enforcement division of the department of state police, “personal injury” includes respiratory and heart diseases, or illnesses resulting there from, that develop or manifest themselves during a period while the member of the department is in the active service of the department and that result from the performance of duties for the department.

A full-time member, and, beginning January 1, 2022 for a cancer described in this subsection diagnosed on or after January 1, 2022, a part-time, paid on-call, or volunteer member, of a fire department or public fire authority, and, beginning January 1, 2022 for a cancer described in this subsection diagnosed on or after January 1, 2022, a former member who was a full-time, part-time, paid on-call, or volunteer member of a fire department or public fire authority, who has or had 60 months or more active service in the department or public fire authority at the time the cancer manifests itself, and who is or was exposed to the hazards incidental to fire suppression, rescue, or emergency medical services in the performance of his or her work-related duties with the department or authority.

The presumption under this subsection may be rebutted by scientific evidence that the member of the fully paid fire department or public fire authority was a substantial and consistent user of cigarettes or other tobacco products within the 10 years immediately preceding the date of injury, and that this use was a significant factor in the cause, aggravation, or progression of the cancer.

Coverage

Respiratory tract, bladder, skin, brain, kidney, blood, thyroid, testicular, prostate, lymphatic, ovarian, breast, or non-HPV cervical cancer

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Resources



[http://www.legislature.mi.gov/\(S\(nytmgvh1k5hehlmd2avcht2w\)\)/mileg.aspx?page=getobject&objectname=mcl-418-405](http://www.legislature.mi.gov/(S(nytmgvh1k5hehlmd2avcht2w))/mileg.aspx?page=getobject&objectname=mcl-418-405)



<https://www.michigan.gov/leo/bureaus-agencies/wdca/claims/first-responder-presumed-coverage/christopher-r-slezak-first-responder-presumed-coverage-fund>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Minnesota

Eligibility

A firefighter on active duty with an organized fire department, who is unable to perform duties in the department by reason of a disabling cancer of a type caused by exposure to heat, radiation, or a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and the carcinogen is reasonably linked to the disabling cancer, is presumed to have an occupational disease under paragraph (a).

If a firefighter who enters the service after August 1, 1988, is examined by a physician prior to being hired and the examination discloses the existence of a cancer of a type described in this paragraph, the firefighter is not entitled to the presumption unless a subsequent medical determination is made that the firefighter no longer has the cancer.

Coverage

Cancer of a type caused by exposure to heat, radiation, or a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and the carcinogen is reasonably linked to the disabling cancer.

Resources



<https://www.revisor.mn.gov/statutes/cite/176.011>



<https://www.revisor.mn.gov/statutes/cite/176.011/pdf>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://meuserlaw.com/workers-compensation-benefits-for-firefighters-with-cancer-the-statutory-presumption/>



<https://www.msfa.org/firefighter-cancer>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Mississippi

Eligibility

When a first responder who has completed ten (10) or more years of service is unable to perform his regular duties in the fire service in this state by reason of cancer, such cancer shall be classified as an occupational disease or infirmity connected with the duties of a first responder.

The disease or infirmity shall be presumed to have been caused by or to have resulted from the work performed. This presumption shall be rebuttable by evidence meeting judicial standards, and shall be extended to a member following termination of service for a period of three (3) months for each full year of service not to exceed sixty (60) months commencing with the last actual date of service.

Any such first responder must have successfully passed a physical examination upon entering into service as a firefighter or police officer, which examination failed to reveal any evidence of the condition.

For purposes of this act, the term “firefighter” shall mean any firefighter employed by any subdivision of the State of Mississippi on a full-time duty status, and any firefighter registered with the State of Mississippi, or a political subdivision thereof, on a volunteer firefighting status.

Coverage

The types of cancer which may be caused by exposure to heat, smoke, radiation or a known or suspected carcinogen as defined by the International Agency for Research on Cancer.

The occupational cancer shall also be limited to a cancer originating in the bladder, brain, colon, liver, pancreas, skin, kidney or gastrointestinal or reproductive tract, and leukemia, lymphoma, multiple myeloma, prostate, and testicular cancer, or any other type of cancer, due to occupational exposure, for which firefighters are determined to have a statistically significant increased risk over that of the general population.

The employer must prove by a preponderance of the evidence that the disease was caused by some means other than the occupation to disqualify the firefighter from benefits.

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Resources



<http://billstatus.ls.state.ms.us/documents/2019/html/SB/2800-2899/SB2835PS.htm>



<https://firefighterssupportalliance.com/presumptive-cancer-benefits-in-mississippi/>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Missouri

Eligibility

- At least five years of continuous service in the direct provision of fire protection services
- A medical exam is required at or after the start of employment/enrollment but before a claim
- Coverage extends 15 years after the last year of eligibility, prior to the age of 70

Coverage

Bladder, brain, breast, colon, esophagus, kidney, lung, melanoma, mesothelioma, multiple myeloma, non-Hodgkin lymphoma, prostate, rectal, skin, stomach, testicular and thyroid.

Resources



<https://www.smithlawco.com/blog/2019/march/workers-compensation-may-get-firefighter-s-presu/#:~:text=This%20law%2C%20Missouri%20Statute%2087.006%2C%20presumes%20that%20most,retirement%20benefits%20that%20a%20firefighter%20can%20count%20on.>



<https://www.mffcip.org/cancer/>



<https://www.firehouse.com/safety-health/cancer-prevention/press-release/21278501/the-missouri-fire-fighters-critical-illness-pool-has-started-a-new-cancer-benefits-program>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

The firefighter must have undergone, within 90 days of hiring, a medical examination that did not reveal objective medical evidence or a family history of the presumptive occupational disease.

The firefighter must have undergone subsequent periodic medical examinations at least once every 2 years.

To qualify for a presumptive occupational disease, a firefighter may not:

Be a regular user of tobacco products

Have a history of regular tobacco use in the 10 years preceding the filing of the claim under subsection (1)(a); or have been exposed by a cohabitant who regularly and habitually used tobacco products within the home for a period of 10 or more years prior to the diagnosis.

A firefighter who, prior to [the effective date of this act], did not receive a medical examination as frequently as the intervals set forth in subsection (1)(b) is not ineligible on that basis for a presumptive occupational disease claim under [section 1] and this section.

Coverage

The following diseases are presumptive occupational diseases proximately caused by firefighting activities, provided that the evidence of the presumptive occupational disease becomes manifest after the number of years of the firefighter's employment as listed for each occupational disease and within 10 years of the last date on which the firefighter was engaged in firefighting activities for an employer:

- Bladder cancer, 12 years
- Brain cancer, 10 years
- Breast cancer, 5 years (if the diagnosis occurs before the firefighter is 40 years old and is not known to be associated with a genetic predisposition to breast cancer)
- Colorectal cancer, 10 years
- Esophageal cancer, 10 years

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- Kidney cancer, 15 years
- Leukemia, 5 years
- Mesothelioma or asbestosis, 10 years
- Multiple myeloma, 15 years
- Non-Hodgkin's Lymphoma, 15 years
- Lung cancer, 4 years

Resources



<https://leg.mt.gov/bills/2019/billpdf/SB0160.pdf>



<https://wildfiretoday.com/2019/04/18/montana-becomes-49th-state-with-some-form-of-presumptive-care-for-firefighters/#:~:text=With%20the%20passage%20of%20Senate%20Bill%20160%20Montana,certain%20number%20of%20years%3A%20Bladder%20cancer%2C%2012%20years>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Nebraska



Eligibility

For a firefighter or firefighter-paramedic who is a member of a paid fire department of a municipality or a rural or suburban fire protection district in this state, including a municipality having a home rule charter or a municipal authority created pursuant to a home rule charter that has its own paid fire department, and who suffers death or disability as a result of cancer.

Coverage

Including, but not limited to, breast cancer, ovarian cancer, and cancer affecting the skin or the central nervous, lymphatic, digestive, hematological, urinary, skeletal, oral, or prostate systems.

Resources



<https://nebraskalegislature.gov/laws/statutes.php?statute=35-1001>



<https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB643.pdf>



<https://nebraskalegislature.gov/FloorDocs/101/PDF/Slip/LB373.pdf>



<https://nebraskalegislature.gov/FloorDocs/94/PDF/Slip/LB1076.pdf>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Nevada

Eligibility

The cancer develops or manifests itself out of and in the course of the employment of a person who, for 5 years or more, has been:

Employed in this State in a full-time salaried occupation as:

- (I) A firefighter for the benefit or safety of the public;
 - (II) An investigator of fires or arson; or
 - (III) An instructor or officer for the provision of training concerning fire or hazardous materials; or
- (2) Acting as a volunteer firefighter in this State and is entitled to the benefits.
- (b) It is demonstrated that:
- (1) The person was exposed, while in the course of the employment, to a known carcinogen, or a substance reasonably anticipated to be a human carcinogen, as defined by the International Agency for Research on Cancer or the National Toxicology Program; and
 - (2) The carcinogen or substance, as applicable, is reasonably associated with the disabling cancer.

2. With respect to a person who, for 5 years or more, has been employed in this State as a firefighter, investigator, instructor or officer described in subparagraph (1) of paragraph (a) of subsection 1, or has acted as a volunteer firefighter in this State as described in subparagraph (2) of paragraph (a) of subsection 1, the following substances shall be deemed, for the purposes of paragraph (b) of subsection 1, to be known carcinogens that are reasonably associated with the following disabling cancers:

For a person who has been employed in this State as a firefighter, investigator, instructor or officer described in subparagraph (1) of paragraph (a) of subsection 1 and who retires before July 1, 2019, or has acted as a volunteer firefighter in this State as described in subparagraph (2) of paragraph (a) of subsection 1, regardless of the date on which the volunteer firefighter retires, disabling cancer is rebuttably

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presumed to have arisen out of and in the course of the person's employment pursuant to this subsection. This rebuttable presumption applies to disabling cancer diagnosed after the termination of the person's employment if the diagnosis occurs within a period, not to exceed 60 months, which begins with the last date the employee actually worked in the qualifying capacity and extends for a period calculated by multiplying 3 months by the number of full years of his or her employment.

For a person who has been employed in this State as a firefighter, investigator, instructor or officer described in subparagraph (1) of paragraph (a) of subsection 1 and who retires on or after July 1, 2019, disabling cancer is rebuttably presumed to have arisen out of and in the course of the person's employment pursuant to this subsection. This rebuttable presumption applies to disabling cancer diagnosed:

- (a) If the person ceases employment before completing 20 years of service as a firefighter, investigator, instructor or officer, during the period after separation from employment which is equal to the number of years worked; or
- (b) If the person ceases employment after completing 20 years or more of service as a firefighter, investigator, instructor or officer, at any time during the person's life.

8. Service credit which is purchased in a retirement system must not be used to calculate the number of years of service or employment of a person for the purposes of this section.

Coverage

- (a) Diesel exhaust, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with bladder cancer.
- (b) Acrylonitrile, formaldehyde and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with brain cancer.
- (c) Asbestos, benzene, diesel exhaust and soot, digoxin, ethylene oxide, polychlorinated biphenyls and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with breast cancer.
- (d) Diesel exhaust and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with colon cancer.

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- (e) Diesel exhaust and soot, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with esophageal cancer.
- (f) Formaldehyde shall be deemed to be a known carcinogen that is reasonably associated with Hodgkin's lymphoma.
- (g) Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with kidney cancer.
- (h) Benzene, diesel exhaust and soot, formaldehyde, 1,3-butadiene and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with leukemia.
- (i) Chloroform, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with liver cancer.
- (j) Arsenic, asbestos, cadmium, chromium compounds, oils, polycyclic aromatic hydrocarbon, radon, silica, soot and tars shall be deemed to be known carcinogens that are reasonably associated with lung cancer.
- (k) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic hydrocarbon, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with lymphatic or hematopoietic cancer.
- (l) Diesel exhaust, soot, aldehydes and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with basal cell carcinoma, squamous cell carcinoma and malignant melanoma.
- (m) Benzene, dioxins and glyphosate shall be deemed to be known carcinogens that are reasonably associated with multiple myeloma.
- (n) Arsenic, asbestos, benzene, diesel exhaust and soot, formaldehyde and hydrogen chloride shall be deemed to be known carcinogens that are reasonably associated with nasopharyngeal cancer, including laryngeal cancer and pharyngeal cancer.
- (o) Benzene, chronic hepatitis B and C viruses, formaldehyde and polychlorinated biphenyls shall be deemed to be known carcinogens that are reasonably associated with non-Hodgkin's lymphoma.

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- (p) Asbestos, benzene and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with ovarian cancer.
 - (q) Polycyclic aromatic hydrocarbon shall be deemed to be a known carcinogen that is reasonably associated with pancreatic cancer.
 - (r) Acrylonitrile, benzene and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with prostate cancer.
 - (s) Diesel exhaust and soot, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with rectal cancer.
 - (t) Chlorophenols, chlorophenoxy herbicides and polychlorinated biphenyls shall be deemed to be known carcinogens that are reasonably associated with soft tissue sarcoma.
 - (u) Diesel exhaust and soot, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with stomach cancer.
 - (v) Diesel exhaust, soot and polychlorinated biphenyls shall be deemed to be known carcinogens that are reasonably associated with testicular cancer.
 - (w) Diesel exhaust, benzene and X-ray radiation shall be deemed to be known carcinogens that are reasonably associated with thyroid cancer.
 - (x) Diesel exhaust and soot, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with urinary tract cancer and ureteral cancer.
 - (y) Benzene and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with uterine cancer.
3. The provisions of subsection 2 do not create an exclusive list and do not preclude any person from demonstrating, on a case-by-case basis for the purposes of paragraph (b) of subsection 1, that a substance is a known carcinogen or is reasonably anticipated to be a human carcinogen, including an agent classified by the International Agency for Research on Cancer in Group 1 or Group 2A, that is reasonably associated with a disabling cancer.

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Resources



<https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB215.pdf>



<https://jhwlawoffice.com/nevada-workers-comp-law-blog/2015/05/articles/occupational-illnesses/cancer-in-nevada-firefighters/#::~:~:text=NRS%20617.453%20provides%20for%20a%20rebuttable%20presumption%20that,the%20carcinogen%20is%20associated%20with%20the%20disabling%20cancer.>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

A call or volunteer firefighter shall have the benefit of this prima facie presumption only if there is on record reasonable medical evidence that such firefighter was free of such disease at the beginning of his or her employment.

It shall be the duty of the employer of a call or volunteer firefighter to provide that reasonable medical evidence. If the employer fails to do so, the call or volunteer firefighter shall have the benefit of the prima facie presumption regardless of the absence of the reasonable medical evidence.

(b) A retired firefighter who agrees to submit to any physical examination requested by his city, town, or precinct shall have the benefit of the prima facie presumption only during the period of time of 5 years from the effective date of such firefighter's retirement.

(c) The benefits of RSA 281-A:17, I shall not continue in effect beyond one month after a call, volunteer or permanent firefighter reaches his or her seventieth birthday.

A firefighter who has been a firefighter for 10 years shall have the benefit of this prima facie presumption as follows:

(1) If a fire department follows the medical examination as outlined by the National Fire Protection Association standard 1582, the firefighter shall provide this report as evidence that the firefighter was free of such disease at the beginning of his or her employment and shall guarantee that he or she has lived a tobacco free lifestyle. The employer of a firefighter shall provide the required reasonable medical evidence to the workers' compensation carrier and to the firefighter to present as part of his or her claim.

(2) If the fire department does not follow the medical examination standard, the firefighter shall guarantee that he or she has lived a tobacco free lifestyle and has been a firefighter for 10 years and shall be required to present after action reports filed after fire incidents which demonstrate exposure to the known carcinogens as part of the claim, but shall not have the benefit of the prima facie presumption.

(b) A retired firefighter who has been retired between 6 and 20 years who guarantees that he or she has lived a tobacco free lifestyle and who is receiving a pension subject to RSA 100-A, shall be eligible for medical payments only under this section. If a new claim is being

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filed, the firefighter shall be responsible for filing applicable data and after action reports if no medical examination report can be provided. A retired firefighter who agrees to submit to any medical examination requested by the employing city, town, or precinct shall have the benefit of the prima facie presumption for a period of 20 years from the effective date of the firefighter's retirement, during which time the firefighter shall be eligible to have his or her medical expenses paid for this period.

(c) No active or retired firefighter shall receive the presumption benefit unless the employer voluntarily has in effect a policy that follows the fire standards and training commission curriculum requirement for best practices for use and cleaning of equipment.

(d) For active, regular firefighters whose employment began prior to January 1, 1997, a medical examination as outlined by the National Fire Protection Association standard 1582 may be reimbursed by the department of safety, division of fire standards and training and emergency medical services, and provided as evidence that the firefighter was free of such disease.

(e) For the purposes of this section, a person lives a "tobacco free lifestyle" if he or she has not, within the past 6 months, used any tobacco product, including cigarettes, cigars, chewing tobacco, snuff, or pipe tobacco 4 or more times in a week, except in the case of religious or ceremonial use of tobacco, such as by Alaska natives or Native Americans.

Coverage

The type of cancer involved must be a type which may be caused by exposure to heat, radiation, or a known carcinogen, as defined by the International Agency for Research on Cancer.

Resources



<https://www.nhmunicipal.org/town-city-article/how-it-works-mechanics-firefighter-cancer-presumption-new-hampshire>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://www.firehouse.com/safety-health/news/21012634/nh-gov-chris-sununu-sign-presumptive-firefighter-cancer-bill-law>



<https://www.gencourt.state.nh.us/rsa/html/XXIII/281-A/281-A-2.htm>



<https://www.cga.ct.gov/2009/rpt/2009-R-0110.htm>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

New Jersey

Eligibility

Cancer developed by a firefighter who has been assigned to at least six years of hazardous duty as a firefighter shall be presumed to be an occupational disease, if the firefighter was exposed to an agent classified by the International Agency for Research on Cancer or its successor organization as a group 1 or 2A carcinogen.

The presumption described in subsection a. of this section may be rebutted by evidence that the firefighter:

1. was exposed, outside the scope of the firefighter's official duties, to cigarettes, tobacco products, or other conditions presenting an extremely high risk for the development of the cancer alleged, which exposure was probably a significant factor in the cause or progression of the cancer;
2. was not exposed to an agent classified by the International Agency for Research on Cancer or its successor organization as a group 1 or 2A carcinogen;
3. incurred the type of cancer alleged before becoming a member of the fire department;
or
4. is 70 years of age or older.

Coverage

Cancer – does not specify type

Resources



https://pub.njleg.gov/bills/2018/A4000/3820_I1.PDF

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://www.shebell.com/workers-compensation/firefighter-cancer-claims>



<https://www.nj.gov/governor/news/news/562019/20190708a.shtml>



https://pub.njleg.gov/bills/2018/A4000/3820_I1.HTM

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

New Mexico

Eligibility

“Firefighter” means a person who is employed as a full-time non-volunteer firefighter by the state or a local government entity and who has taken the oath prescribed for firefighters.

Coverage

(1) brain cancer after ten years; (2) bladder cancer after twelve years; (3) kidney cancer after fifteen years; (4) colorectal cancer after ten years; (5) non-Hodgkin’s lymphoma after fifteen years; (6) leukemia after five years; (7) ureter cancer after twelve years; (8) testicular cancer after five years if diagnosed before the age of forty with no evidence of anabolic steroids or human growth hormone use; (9) breast cancer after five years if diagnosed before the age of fifty-five without a breast cancer 1 or breast cancer 2 genetic predisposition to breast cancer; (10) esophageal cancer after ten years; (11) multiple myeloma after fifteen years;

Resources



<https://www.nmlegis.gov/Sessions/21%20Regular/bills/senate/SB0261.pdf>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

Career firefighters

Paid member of a fire department in a city with a population of one million or more, or any retired member of such department who has been retired for five or less years, who successfully passed a physical examination on entry into the service of such department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty unless the contrary be proved by competent evidence.

Volunteer firefighter

A volunteer firefighter must meet the following criteria to be eligible for enhanced cancer disability benefits:

- (1) Five or more years of faithful and actual firefighting service as an interior firefighter;
- (2) Has submitted proof of five years of interior structural firefighting service by providing verification that he or she has passed at least five annual fit tests;
- (3) Successful completion of a physical examination prior to the commencement of duties as an interior firefighter, which failed to reveal evidence of cancer; and
- (4) Diagnosis of cancer. (b) A volunteer firefighter shall remain eligible for enhanced cancer disability benefits for 60 months after the formal cessation of the volunteer firefighter's status as an active volunteer firefighter.

Coverage

Career and volunteer: lymphatic, digestive, hematological, urinary, neurological, breast, reproductive, or prostate systems or (ii) melanoma

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Resources

Career:



https://newyork.public.law/laws/n.y._general_municipal_law_section_207-kk



https://newyork.public.law/laws/n.y._general_municipal_law_section_207-q



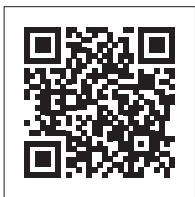
https://newyork.public.law/laws/n.y._general_municipal_law_article_10



<https://www.dhSES.ny.gov/system/files/documents/2021/12/9-nycrr-210.pdf>



<https://fasny.com/news/fasny-applauds-nys-senate-passing-volunteer-firefighter-presumptive-cancer-coverage/>



<https://fasny.com/legislation/faq/>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://www.dhses.ny.gov/volunteer-firefighter-enhanced-cancer-disability-benefit-program>



<https://www.firerescue1.com/cancer/articles/ny-volunteer-firefighters-seek-extra-cancer-coverage-VeUoei9MNqiWBfhw/#:~:text=If%20he%20were%20a%20professional%2C%20he%20would%20receive,pending%20in%20the%20state%20legislature%20aims%20to%20rectify.>



<https://www.cga.ct.gov/2009/rpt/2009-R-0110.htm>



The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

North Carolina

Eligibility

All firefighters that have served in a North Carolina fire department for a minimum of five continuous years shall be eligible for benefits under the Cancer Benefit Plan. Only firefighters with a new diagnosis of cancer on or after January 1, 2022, shall be eligible for benefits under the Cancer Benefit Plan. A firefighter with a diagnosis of cancer prior to January 1, 2022, is not eligible for benefits under the Cancer Benefit Plan for that previously diagnosed cancer type but remains eligible for benefits under the Cancer Benefit Plan upon diagnosis of any other cancer type.

Coverage

Cancer

Resources



<https://www.ncleg.gov/BillLookUp/2021/H535>



<https://webservices.ncleg.gov/ViewBillDocument/2021/50017/0/DRH40216-MRxf-88>



<https://lrs.sog.unc.edu/bill/firefighters-fighting-cancer-act-2021>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://www.wilderlawgroup.com/blog/workers-compensation/firefighter-cancer-bill-2021/>



<https://www.iaff.org/news/north-carolina-fire-fighters-protected-in-case-of-cancer/>



<https://www.southerncitymagazine.org/firefighter-cancer-presumption-at-issue-in-house-bill/>



The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

North Dakota

Eligibility

Any condition or impairment of health of a full-time paid firefighter or law enforcement officer caused by lung or respiratory disease, hypertension, heart disease, or an exposure to a bloodborne pathogen as defined by section 23-07.5-01 occurring in the course of employment, or occupational cancer in a full-time paid firefighter, is presumed to have been suffered in the line of duty. The presumption may be rebutted by clear and convincing evidence the condition or impairment is not work-related.

A full-time paid firefighter or law enforcement officer is not eligible for the benefit provided under this section unless that full-time paid firefighter or law enforcement officer has completed five years of continuous service and has successfully passed a medical examination which fails to reveal any evidence of such a condition.

An employer shall require a medical examination upon employment, for any employee subject to this section.

After the initial medical examination, an employer shall require at least a periodic medical examination as follows:

For one to ten years of service, every five years; for eleven to twenty years of service, every three years; and for twenty-one or more years of service, every year.

The periodic medical examination, at a minimum, must consist of a general medical history of the individual and the individual's family; an occupational history including contact with and an exposure to hazardous materials, toxic products, contagious and infectious diseases, and to physical hazards; a physical examination including measurement of height, weight, and blood pressure; and laboratory and diagnostic procedures including a nonfasting total blood cholesterol test.

If the medical examination reveals that an employee falls into a recognized risk group, the employee must be referred to a qualified health professional for future medical examination.

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



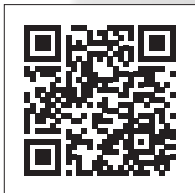
If a medical examination produces a false positive result for a condition covered under this section, the organization shall consider the condition to be a compensable injury. In the case of a false positive result, neither the coverage of the condition nor the period of disability may exceed fifty-six days.

This section does not affect an employee's responsibility to document that the employee has not used tobacco as required under section 65-01-15. Results of the examination must be used in rebuttal to a presumption afforded under this section.

Coverage

As used in this section, an occupational cancer is one which arises out of employment as a full-time paid firefighter and is due to injury due to exposure to smoke, fumes, or carcinogenic, poisonous, toxic, or chemical substances while in the performance of active duty as a full-time paid firefighter.

Resources



<https://ndlegis.gov/cencode/t65c01.pdf>



https://www.lawserver.com/law/state/north-dakota/nd-code/north_dakota_code_65_01_15-1

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Ohio

Eligibility

A firefighter who has been assigned to at least six years of hazardous duty as a firefighter constitutes a presumption that the cancer was contracted in the course of and arising out of the firefighter's employment if the firefighter was exposed to an agent classified by the international agency for research on cancer or its successor organization as a group 1 or 2A carcinogen.

2) The presumption described is rebuttable in any of the following situations:

- (a) There is evidence that the firefighter's exposure, outside the scope of the firefighter's official duties, to cigarettes, tobacco products, or other conditions presenting an extremely high risk for the development of the cancer alleged, was probably a significant factor in the cause or progression of the cancer.
- (b) There is evidence that shows, by a preponderance of competent scientific evidence, that exposure to the type of carcinogen alleged did not or could not have caused the cancer being alleged.
- (c) There is evidence that the firefighter was not exposed to an agent classified by the international agency for research on cancer as a group 1 or 2A carcinogen.
- (d) There is evidence that the firefighter incurred the type of cancer alleged before becoming a member of the fire department.
- (e) The firefighter is seventy years of age or older.

(3) The presumption described in division (X)(1) of this section does not apply if it has been more than fifteen years since the firefighter was last assigned to hazardous duty as a firefighter.

Coverage

an agent classified by the international agency for research on cancer or its successor organization as a group 1 or 2A carcinogen.

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Resources



<https://codes.ohio.gov/ohio-revised-code/section-4123.68>



<https://www.charlesboyk-law.com/blog/ohios-firefighter-cancer-presumption-in-workers-compensation-claims/#:~:text=Under%20Ohio%E2%80%99s%20law%2C%20when%20a%20firefighter%20who%20has,classified%20as%20a%20group%201%20or%202A%20carcinogen.>



<https://firefightercancerconsultants.com/ohio-firefighter-cancer-presumption-bill-goes-into-effect-today/>



<https://oapff.org/wp-content/uploads/2017/05/Firefighters-Presumptive-Cancer-Laws.pdf>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Oklahoma

Eligibility

No firefighter shall be retired, as provided in Section 49-109 of this title, or receive any pension from the System, unless there shall be filed with the State Board certificates of the firefighter's disability.

Any member of the fire department of any municipality who is disabled as a result of heart disease, injury to the respiratory system, infectious disease, or the existence of any cancer which heart disease, injury to the respiratory system, infectious disease, or cancer was not revealed by the physical examination passed by the member upon entry into the department, shall be presumed to have incurred the heart disease, injury to the respiratory system, infectious disease, or cancer while performing the firefighter's duties as a member of such department unless the contrary is shown by competent evidence.

If any such member fails to submit evidence of a physical examination prior to entry into the fire department, there shall be no presumption the heart disease, injury to the respiratory system, infectious disease, or cancer was incurred while performing the firefighter's official duties and it shall be the duty of the State Board to determine if the heart disease, injury to the respiratory system, infectious disease, or cancer was incurred while performing the member's official duties.

Coverage

Any member of the fire department of any municipality who is disabled as a result of heart disease, injury to the respiratory system, infectious disease, or the existence of any cancer which heart disease, injury to the respiratory system, infectious disease, or cancer was not revealed by the physical examination passed by the member upon entry into the department, shall be presumed to have incurred the heart disease, injury to the respiratory system, infectious disease, or cancer while performing the firefighter's duties as a member of such department unless the contrary is shown by competent evidence.

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Resources



<http://ok.elaws.us/os/11-49-110>



http://www.oklegislature.gov/cf_pdf/2001-02%20COMMITTEE%20SUBS/hcs/HB2309%20cs.pdf

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Oregon

Eligibility

Death, disability or impairment of health of firefighters of any political division who have completed five or more years of employment as firefighters, caused by any disease of the lungs or respiratory tract, hypertension or cardiovascular-renal disease, and resulting from their employment as firefighters is an “occupational disease.” Any condition or impairment of health arising under this subsection shall be presumed to result from a firefighter’s employment. However, any such firefighter must have taken a physical examination upon becoming a firefighter, or subsequently thereto, which failed to reveal any evidence of such condition or impairment of health which preexisted employment. Denial of a claim for any condition or impairment of health arising under this subsection must be on the basis of clear and convincing medical evidence that the cause of the condition or impairment is unrelated to the firefighter’s employment.

Notwithstanding paragraph (b) of this subsection, the presumption established under paragraph (b) of this subsection may be rebutted by clear and convincing evidence that the use of tobacco by the non volunteer firefighter is the major contributing cause of the cancer.

The presumption established under paragraph (b) of this subsection does not apply to prostate cancer if the cancer is first diagnosed by a physician after the firefighter has reached the age. However, nothing in this paragraph affects the right of a firefighter to establish the compensability of prostate cancer without benefit of the presumption.

The presumption established under paragraph (b) of this subsection does not apply to volunteer firefighters.

Coverage

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, bladder cancer or gynecologic cancer of the uterus, fallopian tubes, ovaries, cervix, vagina or vulva.

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Resources



<https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/ HB4113/Introduced>



<https://www.kptv.com/2022/03/08/bill-expanding-cancer-coverage-oregon-firefighters-signed-into-law/>



The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Pennsylvania

Eligibility

Compensation pursuant to cancer suffered by a firefighter shall only be to those firefighters who have served four or more years in continuous firefighting duties, who can establish direct exposure to a carcinogen referred to in section 108(r) relating to cancer by a firefighter and have successfully passed a physical examination prior to asserting a claim under this subsection or prior to engaging in firefighting duties and the examination failed to reveal any evidence of the condition of cancer. The presumption of this subsection may be rebutted by substantial competent evidence that shows that the firefighter's cancer was not caused by the occupation of firefighting. Any claim made by a member of a volunteer fire company shall be based on evidence of direct exposure to a carcinogen referred to in section 108(r) as documented by reports filed pursuant to the Pennsylvania Fire Information Reporting System and provided that the member's claim is based on direct exposure to a carcinogen referred to in section 108(r). Notwithstanding the limitation under subsection (c) (2) with respect to disability or death resulting from an occupational disease having to occur within three hundred weeks after the last date of employment in an occupation or industry to which a claimant was exposed to the hazards of disease, claims filed pursuant to cancer suffered by the firefighter under section 108(r) may be made within six hundred weeks after the last date of employment in an occupation or industry to which a claimant was exposed to the hazards of disease. The presumption provided for under this subsection shall only apply to claims made within the first three hundred weeks.

Coverage

Cancer suffered by a firefighter which is caused by exposure to a known carcinogen which is recognized as a Group 1 carcinogen by the International Agency for Research on Cancer.

Resources



<http://pennsylvaniaworkinjurylawyers.com/firefighters.html#:~:text=The%20Pennsylvania%20Firefighter%20Cancer%20Presumption%20Act%20--%20Pennsylvania,service%20and%20direct%20exposure%20to%20a%20listed%20carcinogen.>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2011&sessInd=0&act=46>



<https://www.dli.pa.gov/Individuals/Workers-Compensation/publications/Documents/WC%20Act/wcact.pdf>



The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Rhode Island

Eligibility

Any fire fighter, including one employed by the state, or a municipal fire fighter employed by a municipality that participates in the optional retirement for police officers and fire fighters, as provided in chapter 21.2 of this title, who is unable to perform his or her duties in the fire department by reason of a disabling occupational cancer which develops or manifests itself during a period while the fire fighter is in the service of the department, and any retired member of the fire department of any city or town who develops occupational cancer, is entitled to receive an occupational cancer disability, and he or she is entitled to all of the benefits provided for in chapters 19, 21 and 21.2 of this title and chapter 10 of title 36 if the fire fighter is employed by the state.

(b) The provisions of this section apply retroactively in the case of any retired member of the fire department of any city or town.

Coverage

Notwithstanding the provisions of any general or special law or to any state or municipal retirement system, any city or town may, by ordinance, provide that every condition of impairment of health caused by smoke inhalation of the lungs or respiratory tract, resulting in total disability or death to a uniformed member of a paid fire department, is presumed to have been suffered in the line of duty as a result of the inhalation of noxious fumes or poisonous gases, unless the contrary is shown by competent evidence; provided, that the person benefiting by the presumption passes a physical examination upon entry into service or subsequent to entry an examination failed to reveal any evidence of the condition.

Resources



<http://webserver.rilin.state.ri.us/Statutes/TITLE45/45-19.1/45-19.1-3.htm>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://www.firehouse.com/safety-health/cancer-prevention/news/21118728/ri-supreme-court-rules-on-presumptive-cancer-legislation-firefighters>



<https://www.wpri.com/news/politics/lawmakers-to-vote-to-presume-all-cancers-in-ri-firefighters-are-caused-by-their-job/>



<https://openstates.org/ri/bills/2020/HB7449/>



<https://trackbill.com/bill/rhode-island-house-bill-7449-an-act-relating-to-towns-and-cities-cancer-benefits-for-firefighters-clarifies-a-presumption-applying-to-firefighters-that-if-any-type-of-cancer-is-found-in-a-firefighter-with-three-3-exceptions-would-be-conclusively-presumed-to-be-an-occupational-cancer-arising-out-of-their-employment/1886565/>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

South Carolina

Eligibility

“Fire department” means any organization located and based in this State that provides rescue, fire suppression, and related activities including any public or government-sponsored organizations, excluding federal agencies, engaged in rescue, fire suppression, and related activities.

“Firefighter” means any person, paid or unpaid, who is a resident of this State and engages in rescue, fire suppression, or related activities, under the supervision of a fire chief or fire department in this State or who is employed by the State Commission of Forestry or a forestry district for the purpose of fire protection.

There is established the “Firefighter Cancer Health Care Benefit Plan” to provide a supplemental insurance policy upon a firefighter being diagnosed with cancer. The plan shall provide benefits to a firefighter only if the firefighter has served in a South Carolina fire department for at least five continuous years and been in active service within ten years of the diagnosis.

Coverage

(1) “Cancer” includes malignant neoplasms of the following body areas and organ systems:

- (a) central and peripheral nervous system
- (b) oropharyngeal
- (c) respiratory tract
- (d) gastrointestinal tract
- (e) hepatobiliary
- (f) solid organ and endocrine
- (g) genitourinary and male reproductive
- (h) GYN
- (i) skin, soft tissue, and breast
- (j) bone and blood

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Resources



<https://www.scstatehouse.gov/code/t23c009.php>



<https://www.firehouse.com/safety-health/news/21156493/sc-governor-signs-firefighters-cancer-benefits-bill>



<https://www.scfirefighterscancer.com/>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

South Dakota

Eligibility

An officer or member of a fire department who, upon entering such service, successfully passed a physical examination which failed to reveal any evidence of such condition.

Conditions of liability--Burden of proof.

The burden of proof shall be upon the claimant to establish each and every fact under § 62-8-11 by competent medical evidence.

Coverage

Pension allowed firefighters for impairment caused by cancer.

A pension may be allowed pursuant to § 9-16-3.2 for any condition of impairment of health caused by cancer resulting in total or partial disability to an officer or member of a fire department who, upon entering such service, successfully passed a physical examination which failed to reveal any evidence of such condition. This section pertains solely to pension matters under this chapter and does not restrict a claimant's ability to file for benefits under chapter 62-8 or change the burden of proof established in § 62-8-12.

Resources



https://sdlegislature.gov/Statutes/Codified_Laws/2036403

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

Firefighter that has been exposed to heat, smoke, and fumes or carcinogenic, poisonous, toxic, or chemical substances while performing the duties of a firefighter, has completed five or more years in a classified service. Eligible firefighters must pass a pre-employment physical medical exam with a cancer screening and complete an annual physical medical examination that includes a cancer screening for the types of cancer covered under this law. Presumption benefits can be refuted by competent medical evidence that shows employment was not the cause of a cancer diagnosis and secondary employment or lifestyle habits may be considered when determining whether the presumption applies.

Coverage

Non-Hodgkin's Lymphoma cancer, colon cancer, skin cancer, and multiple myeloma cancer

Resources



https://www.tn.gov/content/dam/tn/commerce/documents/fire_prevention/education-outreach/MTAS_Barry_Brady_Act.pdf



<https://www.tml1.org/town-and-city/barry-brady-act-provides-compensation-firefighters-certain-types-cancers>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Texas

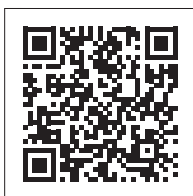
Eligibility

Firefighter or EMT regularly responded on the scene to calls involving fires or fire fighting; or regularly responded to an event involving the documented release of radiation or a known or suspected carcinogen while the person was employed as a firefighter or EMT; and the cancer is known to be associated with fire fighting or exposure to heat, smoke, radiation, or a known or suspected carcinogen as determined by the International Agency for Research on Cancer (IARC).

Coverage

Stomach, colon, rectum, skin, prostate, testis, or brain, non-Hodgkin's lymphoma, multiple myeloma, malignant melanoma, renal cell carcinoma

Resources



<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.607.htm>



https://texas.public.law/statutes/tex._gov%27t_code_section_607.055



<https://www.texasworkerscomplaw.com/2018/09/division-of-workers-compensation/cancer-presumption-wake-9-11/#:~:text=As%20a%20result%2C%20the%20Texas%20Legislature%20passed%20what,scope%20of%20employment%20if%3A%20The%20firefighter%20or%20EMT%3A>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

“Firefighter” means a member, including a volunteer member, or a member paid on call, of a fire department or other organization that provides fire suppression and other fire-related service who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires. “Firefighter” does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.

Coverage

- Pharynx
- Esophagus
- Lung
- Mesothelioma

Resources



https://le.utah.gov/xcode/Title34A/Chapter3/34A-3-S113.html?v=C34A-3-S113_2022050420220504

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Vermont

Eligibility

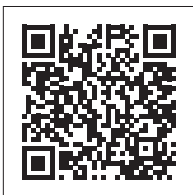
Firefighter shall be presumed to have had the cancer as a result of exposure to conditions in the line of duty, unless it is shown by a preponderance of the evidence that the cancer was caused by nonservice-connected risk factors or nonservice-connected exposure, provided:

- (I) the firefighter completed an initial and any subsequent cancer screening evaluations as recommended by the American Cancer Society based on the age and sex of the firefighter prior to becoming a firefighter or within two years of July 1, 2007, and the evaluation indicated no evidence of cancer;
 - (II) The firefighter was engaged in firefighting duties or other hazardous activities over a period of at least five years in Vermont prior to the diagnosis; and
 - (III) The firefighter is under 65 years of age.
- (ii) The presumption shall not apply to any firefighter who has used tobacco products at any time within 10 years of the date of diagnosis.
- (F) A firefighter who is diagnosed with cancer within 10 years of the last active date of employment as a firefighter shall be eligible for benefits under this subdivision.

Coverage

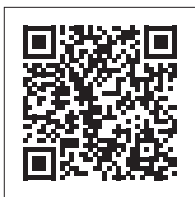
Leukemia, lymphoma, or multiple myeloma, and cancers originating in the bladder, brain, colon, gastrointestinal tract, kidney, liver, pancreas, skin, or testicles

Resources



<https://legislature.vermont.gov/statutes/section/21/009/00601>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.



<https://www.cga.ct.gov/2009/rpt/2009-R-0110.htm>



The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Virginia

Eligibility

Volunteer or salaried firefighters or Department of Emergency Management hazardous materials officers. Have undergone preemployment physical examinations that were conducted prior to the making of any claims under this title that rely on such presumptions, were performed by physicians whose qualifications are as prescribed by the private employer, appointing authority or governing body employing such persons, included such appropriate laboratory and other diagnostic studies as the private employer, appointing authorities or governing bodies may have prescribed, and found such persons free of respiratory diseases, hypertension, cancer or heart disease at the time of such examinations.

Coverage

Leukemia or pancreatic, prostate, rectal, throat, ovarian, breast, colon, brain, or testicular cancer

Resources



<https://law.lis.virginia.gov/vacode/title65.2/chapter4/section65.2-402/>



<http://jlarc.virginia.gov/pdfs/reports/Rpt530-1.pdf>



<https://www.cga.ct.gov/2009/rpt/2009-R-0110.htm>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Eligibility

For the purpose of this law, firefighters are defined as public firefighters and private firefighters (if department includes over 50 firefighters) including supervisors, that are employed full-time, and fully compensated. Public employee fire investigators are also included as well as full-time, fully compensated emergency medical technicians.

The presumptions established shall be extended to an applicable member following termination of service for a period of three calendar months for each year of requisite service, but may not extend more than sixty months following the last date of employment.

The presumption of this section shall only apply to any active or former firefighter or fire investigator who:

Has cancer that develops or manifests itself after the firefighter or fire investigator has served at least ten years; and was given a qualifying medical examination upon becoming a firefighter or fire investigator that showed no evidence of cancer; or For a firefighter or fire investigator who became a firefighter or fire investigator on or after July 28, 2019, the employer did not provide a qualifying medical examination upon becoming a firefighter or fire investigator; or for a firefighter or fire investigator who became a firefighter or fire investigator before July 28, 2019, the employer did not provide a qualifying medical examination upon becoming a firefighter or fire investigator and the employer provides a qualifying medical examination on or before July 1, 2020.

Coverage

Prostate cancer diagnosed prior to the age of fifty, primary brain cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, ureter cancer, colorectal cancer, multiple myeloma, testicular cancer, kidney cancer, mesothelioma, stomach cancer, nonmelanoma skin cancer, breast cancer in women, and cervical cancer.

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Resources



<https://apps.leg.wa.gov/RCW/default.aspx?cite=51.32.185>



[https://ini.wa.gov/insurance/_docs/
OccupationalPresumptionLawRCW51.32.185.pdf](https://ini.wa.gov/insurance/_docs/OccupationalPresumptionLawRCW51.32.185.pdf)



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West Virginia



Eligibility

The person completed an initial and any subsequent screening evaluations as recommended by the American Cancer Society based on the age and sex of the firefighter prior to becoming a firefighter or within two years of the effective date of this subdivision, and the evaluation indicated no evidence of cancer; (ii) the person was actively employed by a West Virginia fire department as a professional or volunteer firefighter for a minimum of five years prior to the onset or diagnosis of leukemia, lymphoma or multiple myeloma; (iii) the diagnosis of the disease or death occurred no later than ten years after the person's last active date of employment as a firefighter; (iv) the person is under the age of sixty-five; and (v) the person has not used tobacco products at any time within ten years of the date of diagnosis.

Coverage

Leukemia, lymphoma or multiple myeloma

Resources



http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hb2498%20intr.htm&yr=2018&sesstype=RS&i=2498

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Wisconsin

Eligibility

Fire fighter that had served a total of 10 years as a state, county, or municipal fire fighter and a qualifying medical examination given prior to the time of his or her becoming a state, county, or municipal fire fighter showed no evidence of cancer, and where the disability or death is found to be caused by cancer, such finding shall be presumptive evidence that the cancer was caused by such employment. Exemption: Cancers caused by smoking or tobacco product use shall not apply to any municipal fire fighter who smokes cigarettes or who uses a tobacco product after January 1, 2001.

Coverage

Skin, breasts, central nervous system or lymphatic, digestive, hematological, urinary, skeletal, oral or reproductive systems.

Resources



<https://docs.legis.wisconsin.gov/statutes/statutes/891/45>

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Eligibility

“Firefighter” means a paid fireman a firefighter member under W.S. 9 3 402(a)(xxv), an employee under W.S. 15 5 402(a)(viii), a volunteer fireman defined under W.S. 15 5 201(a)(xiv) and a volunteer firefighter or firefighter defined under W.S. 35 9 616(a)(x). “Firefighter” also means an individual employed by a municipal corporation or private organization who devotes the individual’s entire time of employment to the provision of fire protection service for a city, town, county or fire protection district.

For volunteer firefighters, an individual is considered to have been employed for the minimum period of employment if that individual while actively a volunteer participates or participated in a minimum of forty percent (40%) of the drills conducted by the individual’s department and a minimum of twenty five percent (25%) of the emergency calls received during the time the volunteer serves or served on call.

Exemptions: On becoming employed or during employment as a firefighter received a physical examination that failed to reveal evidence of the listed disease for which the presumption is sought.

- (i) If the listed disease is known to be caused by tobacco use and the firefighter:
 - (A) Is a regular user of tobacco for five (5) or more years; or
 - (B) Was a regular user of tobacco for five (5) or more years and it has been fewer than ten (10) years since the firefighter gave up the use of tobacco products.

Coverage

Cancer, lymphoma or leukemia or a known or suspected carcinogen as determined by the International Agency for Research on Cancer

Resources



<https://wyoleg.gov/Legislation/2017/SF0089>

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<https://wyoleg.gov/statutes/compress/title27.pdf>



<https://wsfm.wyo.gov/training/firefighter-health-safety>

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Washington DC — District of Columbia



Eligibility

The presumption applies to Department employees who deliver fire suppression and rescue services and/or emergency medical assistance and transport services in connection with fire suppression and rescue services. Specifically, the Act defines two groups of individuals who may receive the benefit of the presumption – “members” and “EMS employees.”

1) You must be employed by the Department at the time you submit Department Form 44 (if you are a uniformed member) or the workers’ compensation claim forms (if you are an EMS member) to initiate the process for receiving benefits under the presumption. (2) You must have been employed by the Department for the previous 10 years. (3) You must have complied with any employment physical examination requirement, such as the annual physical exams, during the period subsequent to October 1, 2016. (4) You must have had contact while in the line of duty with a toxic substance that is a known carcinogen or is associated with an increased risk of developing a covered cancer. (5) You must have been diagnosed with a covered cancer.

(6) The covered cancer must result in your being unable to perform your job function either temporarily or permanently. (7) The covered cancer must not have been determined to be present at the time you underwent a preemployment physical examination. (8) You must submit to a physical examination and any related tests or procedures at the request of the Department. (9) If you are a uniformed member, you must coordinate your treatment through the PFC. EMS members should contact the Office of Risk Management to discuss the coordination of your treatment through the Public Sector Workers’ Compensation Program.

Coverage

Leukemia and breast, ovarian, pancreatic, prostate, rectal, testicular, and respiratory cancers

Resources



<https://fems.dc.gov/sites/default/files/dc/sites/fems/publication/attachments/Bull.%2013%20Presumptive%20Disability%20Due%20to%20Cancer.pdf#:~:text=DISTRICT%20OF%20COLUMBIA%20FIRE%20AND%20EMERGENCY%20MEDICAL%20SERVICES,Employee%20Presumptive%20Disability%20Act%20of%202012%20%28the%20%E2%80%9CAct%E2%80%9D%29.>

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<https://code.dccouncil.gov/us/dc/council/code/sections/5-653>

The content on this page was derived from specific State, Legislative, and other websites regarding firefighter cancer presumption information.

Federal Firefighters



Eligibility

Federal firefighters with more than 5 years of aggregate work in fire protection activities.

Coverage

Bladder cancer, brain cancer, chronic obstructive pulmonary disease, colorectal cancer, esophageal cancer, kidney cancer, Leukemias, lung cancer, Mesothelioma, multiple myeloma, non-Hodgkin lymphoma, prostate cancer, skin cancer (melanoma)

Resources



https://nffe.org/nffe_news/nffe-pushes-firefighter-presumption-bill-after-successful-hearing/



<https://www.iaff.org/wp-content/uploads/Fed-Presumptive-Fact-Sheet.pdf>



<https://www.iaff.org/wp-content/uploads/Fed-Presumptive-Key-Points.pdf>



<https://firefighterssupportalliance.com/new-legislation-to-provide-wildland-firefighter-benefits/>

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