

Amendment No. 1 to SB1442

Bailey
Signature of Sponsor

AMEND Senate Bill No. 1442

House Bill No. 316*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-51-201, is amended by adding the following as a new subsection:

(d)

(1) Whenever this state, any municipal corporation, or other political subdivision of the state that maintains a fire department has established or establishes any form of compensation to be paid to firefighters for any condition or impairment of health that results in loss of life or personal injury in the line of duty or course of employment, there is a presumption that any condition or impairment of health of firefighters caused by all forms of Non-Hodgkin's Lymphoma cancer, colon cancer, skin cancer, or multiple myeloma cancer resulting in hospitalization, medical treatment, or any disability, has arisen out of employment, unless the contrary is shown by competent medical evidence. Any such condition or impairment of health that results in death is presumed to be a loss of life in the line of duty, to have arisen out of employment, and to have been in the actual discharge of the duties of the firefighter's position, unless the contrary is shown by a physician board certified in oncology. Secondary employment or lifestyle habits may be considered when determining whether the presumption established in this subsection (d) applies.

(2)

(A) Any firefighter employed by a fire department before July 1, 2019, and desiring to utilize the presumption established in this

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subsection (d), must obtain a physical medical examination before July 1, 2020, and the examination must include a cancer screening that fails to reveal any evidence of the cancers listed in this subsection (d). Any firefighter employed by a fire department on or after July 1, 2019, and desiring to utilize the presumption established in this subsection (d) must successfully pass a pre-employment physical medical examination, and the examination must include a cancer screening that fails to reveal any evidence of the cancers listed in this subsection (d).

(B) In order to be eligible to utilize the presumption established in this subsection (d), a firefighter shall obtain annual physical medical examinations that include cancer screenings for the specific types of cancer listed in this subsection (d).

(C) Any physical medical examination required by this subsection (d) shall be paid by the employer's health benefits plan at no cost to the employee.

(3) In order to be eligible to utilize the presumption established in this subsection (d), a firefighter must have been exposed to heat, smoke, and fumes, or carcinogenic, poisonous, toxic, or chemical substances, while performing the duties of a firefighter in the firefighter's capacity as an employee and must have completed five (5) or more consecutive years in service with an eligible fire department. A firefighter may utilize the presumption established in this subsection (d) for up to five (5) years after the firefighter's most recent date of exposure as contemplated herein.

(4) As used in this subsection (d):

(A) "Firefighter" means any full-time, paid employee of a fire department of the state or a political subdivision of the state; and

(B) "Fire department" means a department recognized by the state fire marshal's office pursuant to the fire department recognition act, compiled in title 68, chapter 102, part 3, and manned by full-time, paid employees.

(5) This subsection (d) does not affect a person's rights under § 7-51-205 and does not limit any benefit in effect in the state.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.