

AMENDMENTS TO LB400

Introduced by Business and Labor.

1        1. Strike the original sections and insert the following new  
2 sections:

3        **Section 1.** (1) For purposes of this section:

4        (a) Firefighter includes both professional and volunteer  
5 firefighters;

6        (b) Professional firefighter means a person who has been employed  
7 for five or more years in this state in a full-time salaried occupation  
8 as:

9        (i) A firefighter for the benefit or safety of the public;

10       (ii) An investigator of fires or arson; or

11       (iii) An instructor or officer for the provision of training  
12 concerning fire or hazardous materials; and

13       (c) Volunteer firefighter means a person who has acted for five or  
14 more years in this state as a volunteer firefighter described in  
15 subdivision (3) of section 48-115.

16       (2) Notwithstanding any provision of the Nebraska Workers'  
17 Compensation Act to the contrary, cancer that results in either temporary  
18 or permanent disability or death of a firefighter is an occupational  
19 disease and compensable as such under the act if:

20       (a) The cancer develops or manifests itself out of and in the course  
21 of the employment of a firefighter; and

22       (b) It is demonstrated that:

23       (i) The firefighter was exposed, while in the course of employment,  
24 to a known carcinogen or a substance reasonably anticipated to be a human  
25 carcinogen, as defined by the International Agency for Research on Cancer  
26 or the National Toxicology Program; and

27       (ii) Such carcinogen is reasonably associated with such cancer.

1       (3) With respect to a firefighter, the following substances shall be  
2 deemed, for purposes of subsection (2) of this section, to be known  
3 carcinogens that are reasonably associated with the following cancers:

4       (a) Diesel exhaust, formaldehyde, and polycyclic aromatic  
5 hydrocarbon shall be deemed to be known carcinogens that are reasonably  
6 associated with bladder cancer;

7       (b) Acrylonitrile, formaldehyde, and vinyl chloride shall be deemed  
8 to be known carcinogens that are reasonably associated with brain cancer;

9       (c) Asbestos, benzene, diesel exhaust and soot, digoxin, ethylene  
10 oxide, polychlorinated biphenyls, and polycyclic aromatic hydrocarbon  
11 shall be deemed to be known carcinogens that are reasonably associated  
12 with breast cancer;

13       (d) Diesel exhaust and formaldehyde shall be deemed to be known  
14 carcinogens that are reasonably associated with colon cancer;

15       (e) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic  
16 hydrocarbon shall be deemed to be known carcinogens that are reasonably  
17 associated with esophageal cancer;

18       (f) Formaldehyde shall be deemed to be a known carcinogen that is  
19 reasonably associated with Hodgkin's lymphoma;

20       (g) Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed  
21 to be known carcinogens that are reasonably associated with kidney  
22 cancer;

23       (h) Benzene, diesel exhaust and soot, formaldehyde, 1,3-butadiene,  
24 and polycyclic aromatic hydrocarbon shall be deemed to be known  
25 carcinogens that are reasonably associated with leukemia;

26       (i) Chloroform, soot, and vinyl chloride shall be deemed to be known  
27 carcinogens that are reasonably associated with liver cancer;

28       (j) Arsenic, asbestos, cadmium, chromium compounds, oils, polycyclic  
29 aromatic hydrocarbon, radon, silica, soot, and tars shall be deemed to be  
30 known carcinogens that are reasonably associated with lung cancer;

31       (k) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic

1 hydrocarbon, soot, and vinyl chloride shall be deemed to be known  
2 carcinogens that are reasonably associated with lymphatic or  
3 haemotopoietic cancer;

4 (l) Diesel exhaust and soot, aldehydes, and polycyclic aromatic  
5 hydrocarbon shall be deemed to be known carcinogens that are reasonably  
6 associated with basal cell carcinoma, squamous cell carcinoma and  
7 melanoma;

8 (m) Benzene, dioxins, and glyphosate shall be deemed to be known  
9 carcinogens that are reasonably associated with multiple myeloma;

10 (n) Arsenic, asbestos, benzene, diesel exhaust and soot,  
11 formaldehyde, and hydrogen chloride shall be deemed to be known  
12 carcinogens that are reasonably associated with nasopharyngeal cancer,  
13 including laryngeal cancer and pharyngeal cancer;

14 (o) Benzene, chronic hepatitis B and C viruses, formaldehyde, and  
15 polychlorinated biphenyls shall be deemed to be known carcinogens that  
16 are reasonably associated with non-Hodgkin's lymphoma;

17 (p) Asbestos, benzene, and formaldehyde shall be deemed to be known  
18 carcinogens that are reasonably associated with ovarian cancer;

19 (q) Polycyclic aromatic hydrocarbon shall be deemed to be a known  
20 carcinogen that is reasonably associated with pancreatic cancer;

21 (r) Acrylonitrile, benzene, and formaldehyde shall be deemed to be  
22 known carcinogens that are reasonably associated with prostate cancer;

23 (s) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic  
24 hydrocarbon shall be deemed to be known carcinogens that are reasonably  
25 associated with rectal cancer;

26 (t) Chlorophenols, chlorophenoxy herbicides, and polychlorinated  
27 biphenyls shall be deemed to be known carcinogens that are reasonably  
28 associated with soft tissue sarcoma;

29 (u) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic  
30 hydrocarbon shall be deemed to be known carcinogens that are reasonably  
31 associated with stomach cancer;

1       (v) Diesel exhaust and soot, and polychlorinated biphenyls shall be  
2 deemed to be known carcinogens that are reasonably associated with  
3 testicular cancer;

4       (w) Diesel exhaust, benzene, and X-ray radiation shall be deemed to  
5 be known carcinogens that are reasonably associated with thyroid cancer;

6       (x) Diesel exhaust and soot, formaldehyde, and polycyclic aromatic  
7 hydrocarbon shall be deemed to be known carcinogens that are reasonably  
8 associated with urinary tract cancer and ureteral cancer;

9       (y) Benzene and polycyclic aromatic hydrocarbon shall be deemed to  
10 be known carcinogens that are reasonably associated with uterine cancer;  
11 and

12       (z) Polyfluoroalkyl substances shall be deemed to be known  
13 carcinogens that are reasonably associated with kidney cancer, testicular  
14 cancer, and prostate cancer.

15       (4) Subsection (3) of this section is not an exhaustive list and  
16 shall not preclude any person from demonstrating, on a case-by-case basis  
17 for the purposes of subsection (2) of this section, that a substance is a  
18 known carcinogen or is reasonably anticipated to be a human carcinogen,  
19 including an agent classified by the International Agency for Research on  
20 Cancer in Group 1 or Group 2A, that is reasonably associated with a  
21 cancer.

22       (5) There shall be a rebuttable presumption that a cancer  
23 experienced by a firefighter arose out of and in the course of employment  
24 and was medically caused by employment-related exposure to cancer-causing  
25 substances if (i) the cancer is diagnosed during the course of the  
26 firefighter's employment and (ii) such firefighter successfully passed a  
27 physical examination upon entry into such employment or subsequent to  
28 such entry, which examination failed to reveal any evidence of cancer.

29       (6)(a) There shall be a rebuttable presumption, for purposes of  
30 subsection (2) of this section, that cancer experienced by a retired  
31 firefighter arose out of and in the course of employment and was

1 medically caused by employment-related exposure to cancer-causing  
2 substances if (i) the cancer is diagnosed within a period, not to exceed  
3 sixty months, which begins with the last date the retired firefighter  
4 actually worked in the qualifying capacity and extends for a period  
5 calculated by multiplying three months by the number of full years of  
6 such employment and (ii) such firefighter successfully passed a physical  
7 examination upon entry into such employment or subsequent to such entry,  
8 which examination failed to reveal any evidence of cancer.

9 (b) This subsection applies to a professional firefighter who  
10 retires before January 1, 2026, and to a volunteer firefighter,  
11 regardless of the date of retirement.

12 (7) There shall be a rebuttable presumption, for purposes of  
13 subsection (2) of this section, that cancer experienced by a professional  
14 firefighter who retires on or after January 1, 2026, arose out of and in  
15 the course of employment and was medically caused by employment-related  
16 exposure to cancer-causing substances if such firefighter successfully  
17 passed a physical examination upon entry into such employment or  
18 subsequent to such entry, which examination failed to reveal any evidence  
19 of cancer, and such cancer was diagnosed:

20 (a) If the firefighter ceases employment before completing twenty  
21 years of service as a professional firefighter, during the period after  
22 separation from employment which is equal to the number of years worked;  
23 or

24 (b) If the firefighter ceases employment after completing twenty  
25 years or more of service as a professional firefighter, investigator, or  
26 instructor, at any time during the person's life.

27 (8) Service credit which is purchased in a retirement system shall  
28 not be used to calculate the number of years of service or employment for  
29 purposes of this section.

30 (9) A person who files a claim for benefits for cancer pursuant to  
31 subsection (7) of this section after retiring from employment as a

1 professional firefighter is not entitled to receive any compensation for  
2 such cancer under the Nebraska Workers' Compensation Act other than  
3 medical benefits.

4 (10)(a) The presumptions in subsections (5), (6), and (7) of this  
5 section shall control the awarding of benefits pursuant to this section  
6 unless evidence to rebut the relevant presumption is presented.

7 (b) The presumptions provided for under this section may be rebutted  
8 if the employer or agency against whom such a claim for benefits is made  
9 can show by a preponderance of the evidence that the cancer experienced  
10 by the firefighter resulted from accident, exposure to cancer-causing  
11 substances, or any other medical cause not arising out of and in the  
12 course of the firefighter's employment.

13 **Sec. 2.** Section 48-1,110, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 48-1,110 Sections 48-101 to 48-1,117 and section 1 of this act shall  
16 be known and may be cited as the Nebraska Workers' Compensation Act.

17 **Sec. 3.** Original section 48-1,110, Reissue Revised Statutes of  
18 Nebraska, is repealed.