

SENATOR VRTISKA: Yeah, I was asking a question.

SENATOR WILL: If cigarettes cause cancer? I believe that's correct.

SENATOR VRTISKA: Well, I guess...you know, I am not trying to make a case out of it because I don't know, but I'm wondering if a fireman, and I was a fireman for 39 years, if a fireman gets cancer but he also smokes, how do you make the...how do you define the difference between how he got it? I...I'm not trying to be critical, I am just trying to ask...get in my own mind, how you determine that.

SENATOR WILL: And I understand the question, Senator Vrtiska, and the answer is that the evidence that that fire...that fireman or "firewoman" smoked would be admissible in court when...

SENATOR VRTISKA: Okay.

SENATOR WILL: ..the determination was being made as to whether the cause of that individual's cancer was on the job, and I would suspect that evidence of smoking would be highly detrimental to that individual's case.

SENATOR VRTISKA: Well, I'm glad that you responded that way because that was a concern that I had, that, in other words, that sounds reasonable, that if a person had subjected himself willingly to...

SPEAKER WITHEM: One minute.

SENATOR VRTISKA: ...a carcinogen, then he would, in fact, be putting himself at risk, then that would be noted as a part of his case, I would assume. Is that what you're saying?

SENATOR WILL: Absolutely, Senator Vrtiska, and even had we had the more...the more lenient version of my original bill, which made it a rebuttable presumption that the cancer was caused on the job, the fact that that individual smoked would be evidence that I think would be...would substantially weigh against that individual when it came to a decision being made by the court.