

2022 Regular Session

HOUSE BILL NO. 854

BY REPRESENTATIVES STAGNI AND MAGEE

CIVIL SERVICE/FIRE & POL: Provides relative to occupational diseases for members in the classified fire service

1 AN ACT

2 To amend and reenact R.S. 33:2011(A) and to enact R.S. 33:2011(E), relative to
3 occupational diseases; provides relative to members employed in the classified fire
4 service; to provide for an extension to the rebuttable presumption; to provide
5 limitations; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:2011(A) is hereby amended and reenacted and R.S. 33:2011(E)
8 is hereby enacted to read as follows:

9 §2011. Development of cancer during employment in fire service; occupational
10 disease

11 A.(1) Because of exposure to heat, smoke, and fumes or carcinogenic,
12 poisonous, toxic, or chemical substances, when a firefighter in the classified service
13 who has completed ten or more years of service has developed cancer, the cancer
14 shall be classified as an occupational disease or infirmity connected with the duties
15 of a firefighter. The disease or infirmity shall be presumed to have been caused by
16 or to have resulted from the work performed. This presumption shall be rebuttable
17 by evidence meeting judicial standards;

18 (2) The presumption ~~and~~ shall be extended to a member following
19 termination of service as follows:

Present law provides that this presumption 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 60 months.

Proposed law retains present law with respect to firefighters or retired firefighters who developed cancer prior to Jan. 1, 2023. Provides that any claim by these firefighters is also subject to applicable prescriptive periods for indemnity or medical claims.

Proposed law, relative to firefighters or retired firefighters who develop cancer on or after January 1, 2023, extends the presumption to a period of six months for each full year of service not to exceed 180 months.

Proposed law limits the obligation of employers regarding claims filed pursuant to present or proposed law on or after Jan. 1, 2023 to the worker's compensation reimbursement schedule or 50% of the actual charge for service, whichever is less.

(Amends R.S. 33:2011(A); Adds R.S. 33:2011(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Make the extended presumption period applicable only to firefighters or retired firefighters who develop cancer on or after January 1, 2023.
2. Provide that any claim by firefighters or retired firefighters who develop cancer prior to January 1, 2023 is also subject to applicable prescriptive periods for indemnity or medical claims.
3. Add limitation on the obligation of employers regarding claims filed pursuant to present or proposed law on or after Jan. 1, 2023.