

HB 863 -- WORKERS' COMPENSATION

SPONSOR: Sauls

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Public Safety by a vote of 6 to 0.

This bill allows firefighters and first responders to receive Workers' Compensation for diseases of the heart or cardiovascular system, any infectious diseases, diseases of the body systems or organs from carcinoma, and diseases of the lungs or respiratory tract. Any such disease contracted by paid, volunteer, or retired firefighters, paramedics, or emergency medical technicians shall be presumed to be an occupational disease if there is reasonable medical evidence that such employee was free of the disease at the beginning of his or her employment. The employer of the firefighter or first responder has a duty to provide such reasonable medical evidence. If the employer does not provide reasonable medical evidence, then the first responder will have the benefit of the presumption regardless of the absence of medical evidence.

Diseases of the body systems or organs from carcinoma are references to cancer and presumed to be an occupational disease if:

- (1) The first responder has been assigned to at least 5 years of hazardous duty,
- (2) The first responder was exposed to an agent classified by the International Agency for Research on Cancer,
- (3) Fewer than 20 years have elapsed since the first responder was last assigned to hazardous duty; and
- (4) At the time of the diagnosis of cancer, the first responder was under the age of 70.

However, this presumption can be rebutted, as described in the bill.

Mental disorders may be recognized as occupational diseases and may be defined to be a disability due to stressful exposures, if such psychological stress or mental disorders arise from their employment.

The Division must prepare and submit a report regarding presumed cancer claims before August 28, 2022 and an updated report every two years thereafter. This report shall be provided to the Speaker of the House of Representatives, the Minority Leader of the House, the President Pro Tem, and the Minority Leader of the Senate, The

Missouri Association of Fire Chiefs, The Fire Fighters Association of Missouri, and the Missouri Municipal League.

This bill is the same as HB 2217 (2020).

PROPONENTS: Supporters say that first responders are more at risk for certain medical conditions and ailments than those in other professions. Cancer is the leading cause of death for firefighters and it has only gotten worse as materials for buildings have changed. Firefighters' chances of developing certain ailments is two times greater than the rest of the population. Cancer in the fire service has become the biggest cause of death because of plastics and such materials. They have taken a proactive approach in trying to abate the occurrences of cancer. For example, when a fire is out, they still stay in the environment and stay around in their uniform or when they go back to the fire station and stay in and around the gear. Now they are trying to have air handling systems in the fire stations to refresh the air more frequently. Sitting in a fire truck is dangerous but now their new fire trucks clean the air better. This is all stuff they learned and realized in the last five years. The biggest concern is what happens five years from now. We need to support the people who are willing to risk their health to protect the public. This will make a huge difference on a small scale for families that have been afflicted by cancer as a result of the hazards of the job. There aren't a lot of funds to fund the Workers' Compensation cases. This bill would help to give firefighters the benefit of the doubt that the experiences they had or have as firefighters led to their medical conditions or ailments. Every time a firefighter is exposed to a carcinogen, he or she should document it on an exposure record so he or she can take it to any particular doctor or specialist if for some reason the person gets diagnosed with something.

Testifying for the bill were Representative Sauls; Arnie Dienoff; Donna Cheney; Jeff Strawn, Firefighter Cancer Support Network; Randy Alberhasky; and Sherwood Smith, Missouri State Council of Firefighters.

OPPONENTS: Those who oppose the bill submitted written testimony, which can be found online.

Testifying against the bill was the City of St. Peters.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.