

SENATE BILL NO. 153—COMMITTEE ON  
COMMERCE, LABOR AND ENERGY

FEBRUARY 16, 2015

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to occupational diseases.  
(BDR 53-635)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to occupational diseases; revising the  
circumstances under which certain occupational diseases  
are conclusively or rebuttably presumed to arise out of  
and in the course of employment; revising provisions  
governing the compensability of certain diseases of the  
heart; and providing other matters properly relating  
thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that certain diseases contracted by certain police officers,  
2 firefighters or other employees are, for purposes of industrial insurance claims,  
3 conclusively or rebuttably presumed to be occupationally related if the employee  
4 has served a certain number of years in the profession before contracting the  
5 disease. (NRS 617.453, 617.455, 617.457, 617.485, 617.487) **Sections 1-5** of this  
6 bill limit these presumptions to employees or volunteers who are actively employed  
7 or volunteering in the profession at the time of diagnosis. **Section 3** also provides  
8 that certain diseases of the heart, when suffered by a volunteer firefighter, must be  
9 diagnosed and result in either temporary or permanent disability or death during the  
10 course of service of the volunteer firefighter in order to be compensable as an  
11 occupational disease.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 617.453 is hereby amended to read as follows:  
2 617.453 1. Notwithstanding any other provision of this  
3 chapter, cancer, resulting in either temporary or permanent



1 disability, or death, is an occupational disease and compensable as  
2 such under the provisions of this chapter if:

3 (a) The cancer develops or manifests itself out of and in the  
4 course of the employment of a person who, for 5 years or more, has  
5 been:

6 (1) Employed in this State in a full-time salaried occupation  
7 of fire fighting for the benefit or safety of the public; or

8 (2) Acting as a volunteer firefighter in this State and is  
9 entitled to the benefits of chapters 616A to 616D, inclusive, of NRS  
10 pursuant to the provisions of NRS 616A.145; and

11 (b) It is demonstrated that:

12 (1) The person was exposed, while in the course of the  
13 employment, to a known carcinogen as defined by the International  
14 Agency for Research on Cancer or the National Toxicology  
15 Program; and

16 (2) The carcinogen is reasonably associated with the  
17 disabling cancer.

18 2. With respect to a person who, for 5 years or more, has been  
19 employed in this State in a full-time salaried occupation of fire  
20 fighting for the benefit or safety of the public, the following  
21 substances shall be deemed, for the purposes of paragraph (b) of  
22 subsection 1, to be known carcinogens that are reasonably  
23 associated with the following disabling cancers:

24 (a) Diesel exhaust, formaldehyde and polycyclic aromatic  
25 hydrocarbon shall be deemed to be known carcinogens that are  
26 reasonably associated with bladder cancer.

27 (b) Acrylonitrile, formaldehyde and vinyl chloride shall be  
28 deemed to be known carcinogens that are reasonably associated with  
29 brain cancer.

30 (c) Diesel exhaust and formaldehyde shall be deemed to be  
31 known carcinogens that are reasonably associated with colon cancer.

32 (d) Formaldehyde shall be deemed to be a known carcinogen  
33 that is reasonably associated with Hodgkin's lymphoma.

34 (e) Formaldehyde and polycyclic aromatic hydrocarbon shall be  
35 deemed to be known carcinogens that are reasonably associated with  
36 kidney cancer.

37 (f) Chloroform, soot and vinyl chloride shall be deemed to be  
38 known carcinogens that are reasonably associated with liver cancer.

39 (g) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic  
40 hydrocarbon, soot and vinyl chloride shall be deemed to be known  
41 carcinogens that are reasonably associated with lymphatic or  
42 hematopoietic cancer.

43 (h) Diesel exhaust, soot, aldehydes and polycyclic aromatic  
44 hydrocarbon shall be deemed to be known carcinogens that are



1 reasonably associated with basal cell carcinoma, squamous cell  
2 carcinoma and malignant melanoma.

3 (i) Acrylonitrile, benzene and formaldehyde shall be deemed to  
4 be known carcinogens that are reasonably associated with prostate  
5 cancer.

6 (j) Diesel exhaust, soot and polychlorinated biphenyls shall be  
7 deemed to be known carcinogens that are reasonably associated with  
8 testicular cancer.

9 (k) Diesel exhaust, benzene and X-ray radiation shall be deemed  
10 to be known carcinogens that are reasonably associated with thyroid  
11 cancer.

12 3. The provisions of subsection 2 do not create an exclusive list  
13 and do not preclude any person from demonstrating, on a case-by-  
14 case basis for the purposes of paragraph (b) of subsection 1, that a  
15 substance is a known carcinogen that is reasonably associated with a  
16 disabling cancer.

17 4. Compensation awarded to the employee or his or her  
18 dependents for disabling cancer pursuant to this section must  
19 include:

20 (a) Full reimbursement for related expenses incurred for medical  
21 treatments, surgery and hospitalization in accordance with the  
22 schedule of fees and charges established pursuant to NRS 616C.260  
23 or, if the insurer has contracted with an organization for managed  
24 care or with providers of health care pursuant to NRS 616B.527, the  
25 amount that is allowed for the treatment or other services under that  
26 contract; and

27 (b) The compensation provided in chapters 616A to 616D,  
28 inclusive, of NRS for the disability or death.

29 5. Disabling cancer is presumed to have developed or  
30 manifested itself out of and in the course of the employment of any  
31 firefighter described in this section **†** *who has been employed in a*  
32 *full-time continuous, uninterrupted and salaried occupation as a*  
33 *firefighter for 5 years or more before the date of disablement.* This  
34 rebuttable presumption applies to disabling cancer diagnosed ~~†~~  
35 ~~after the termination of the person's employment if the diagnosis occurs~~  
36 ~~within a period, not to exceed 60 months, which begins with the last~~  
37 ~~date the employee actually worked in the qualifying capacity and~~  
38 ~~extends for a period calculated by multiplying 3 months by the~~  
39 ~~number of full years of his or her employment. This rebuttable~~  
40 ~~presumption†~~ **†** *during the course of that employment and* must  
41 control the awarding of benefits pursuant to this section unless  
42 evidence to rebut the presumption is presented.

43 6. The provisions of this section do not create a conclusive  
44 presumption.



1       **Sec. 2.** NRS 617.455 is hereby amended to read as follows:

2       617.455 1. Notwithstanding any other provision of this  
3 chapter, diseases of the lungs, resulting in either temporary or  
4 permanent disability or death, are occupational diseases and  
5 compensable as such under the provisions of this chapter if caused  
6 by exposure to heat, smoke, fumes, tear gas or any other noxious  
7 gases, arising out of and in the course of the employment of a  
8 person who, for 2 years or more, has been:

9       (a) Employed in this State in a full-time salaried occupation of  
10 fire fighting or the investigation of arson for the benefit or safety of  
11 the public;

12       (b) Acting as a volunteer firefighter in this State and is entitled  
13 to the benefits of chapters 616A to 616D, inclusive, of NRS  
14 pursuant to the provisions of NRS 616A.145; or

15       (c) Employed in a full-time salaried occupation as a police  
16 officer in this State.

17       2. Except as otherwise provided in subsection 3, each  
18 employee who is to be covered for diseases of the lungs pursuant to  
19 the provisions of this section shall submit to a physical examination,  
20 including a thorough test of the functioning of his or her lungs and  
21 the making of an X-ray film of the employee's lungs, upon  
22 employment, upon commencement of the coverage, once every 2  
23 years until the employee is 40 years of age or older and thereafter on  
24 an annual basis during his or her employment.

25       3. Each volunteer firefighter who is to be covered for diseases  
26 of the lungs pursuant to the provisions of this section shall submit  
27 to:

28       (a) A physical examination upon employment and upon  
29 commencement of the coverage; and

30       (b) The making of an X-ray film of the volunteer firefighter's  
31 lungs once every 3 years after the physical examination that is  
32 required upon commencement of the coverage,

33       ↪ until the volunteer firefighter reaches the age of 50 years. Each  
34 volunteer firefighter who is 50 years of age or older shall submit to a  
35 physical examination once every 2 years during his or her  
36 employment. As used in this subsection, "physical examination"  
37 includes the making of an X-ray film of the volunteer firefighter's  
38 lungs but excludes a thorough test of the functioning of his or her  
39 lungs.

40       4. All physical examinations required pursuant to subsections 2  
41 and 3 must be paid for by the employer.

42       5. A disease of the lungs is conclusively presumed to have  
43 arisen out of and in the course of the employment of a person who  
44 has been employed in a full-time continuous, uninterrupted and  
45 salaried occupation as a police officer, firefighter or arson



1 investigator for 5 years or more before the date of disablement **H if**  
2 *the disease is diagnosed and causes the disablement during the*  
3 *course of that employment.*

4 6. Failure to correct predisposing conditions which lead to lung  
5 disease when so ordered in writing by the examining physician after  
6 a physical examination required pursuant to subsection 2 or 3  
7 excludes the employee from the benefits of this section if the  
8 correction is within the ability of the employee.

9 7. A person who is determined to be:

10 (a) Partially disabled from an occupational disease pursuant to  
11 the provisions of this section; and

12 (b) Incapable of performing, with or without remuneration, work  
13 as a firefighter, police officer or arson investigator,

14 ↪ may elect to receive the benefits provided under NRS 616C.440  
15 for a permanent total disability.

16 **Sec. 3.** NRS 617.457 is hereby amended to read as follows:

17 617.457 1. Notwithstanding any other provision of this  
18 chapter, diseases of the heart *that are diagnosed and cause*  
19 *disablement during the course of the employment* of a person who,  
20 for 5 years or more, has been employed in a full-time continuous,  
21 uninterrupted and salaried occupation as a firefighter, arson  
22 investigator or police officer in this State before the date of  
23 disablement are conclusively presumed to have arisen out of and in  
24 the course of the employment.

25 2. Notwithstanding any other provision of this chapter, diseases  
26 of the heart ~~[-resulting]~~ *that are diagnosed and result* in either  
27 temporary or permanent disability or death **H** *during the course of*  
28 *service of a volunteer firefighter* are occupational diseases and  
29 compensable as such under the provisions of this chapter if caused  
30 by extreme overexertion in times of stress or danger and a causal  
31 relationship can be shown by competent evidence that the disability  
32 or death arose out of and was caused by the performance of duties as  
33 a volunteer firefighter by a person entitled to the benefits of chapters  
34 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS  
35 616A.145 and who, for 5 years or more, has served continuously as a  
36 volunteer firefighter in this State by continuously maintaining an  
37 active status on the roster of a volunteer fire department.

38 3. Except as otherwise provided in subsection 4, each  
39 employee who is to be covered for diseases of the heart pursuant to  
40 the provisions of this section shall submit to a physical examination,  
41 including an examination of the heart, upon employment, upon  
42 commencement of coverage and thereafter on an annual basis during  
43 his or her employment.

44 4. During the period in which a volunteer firefighter is  
45 continuously on active status on the roster of a volunteer fire



1 department, a physical examination for the volunteer firefighter is  
2 required:

3 (a) Upon employment;

4 (b) Upon commencement of coverage; and

5 (c) Once every 3 years after the physical examination that is  
6 required pursuant to paragraph (b),

7 until the firefighter reaches the age of 50 years. Each volunteer  
8 firefighter who is 50 years of age or older shall submit to a physical  
9 examination once every 2 years during his or her employment.

10 5. The employer of the volunteer firefighter is responsible for  
11 scheduling the physical examination. The employer shall mail to the  
12 volunteer firefighter a written notice of the date, time and place of  
13 the physical examination at least 10 days before the date of the  
14 physical examination and shall obtain, at the time of mailing, a  
15 certificate of mailing issued by the United States Postal Service.

16 6. Failure to submit to a physical examination that is scheduled  
17 by his or her employer pursuant to subsection 5 excludes the  
18 volunteer firefighter from the benefits of this section.

19 7. The chief of a volunteer fire department may require an  
20 applicant to pay for any physical examination required pursuant to  
21 this section if the applicant:

22 (a) Applies to the department for the first time as a volunteer  
23 firefighter; and

24 (b) Is 50 years of age or older on the date of his or her  
25 application.

26 8. The volunteer fire department shall reimburse an applicant  
27 for the cost of a physical examination required pursuant to this  
28 section if the applicant:

29 (a) Paid for the physical examination in accordance with  
30 subsection 7;

31 (b) Is declared physically fit to perform the duties required of a  
32 firefighter; and

33 (c) Becomes a volunteer with the volunteer fire department.

34 9. Except as otherwise provided in subsection 7, all physical  
35 examinations required pursuant to subsections 3 and 4 must be paid  
36 for by the employer.

37 10. Failure to correct predisposing conditions which lead to  
38 heart disease when so ordered in writing by the examining physician  
39 subsequent to a physical examination required pursuant to  
40 subsection 3 or 4 excludes the employee from the benefits of this  
41 section if the correction is within the ability of the employee.

42 11. A person who is determined to be:

43 (a) Partially disabled from an occupational disease pursuant to  
44 the provisions of this section; and



1 (b) Incapable of performing, with or without remuneration, work  
2 as a firefighter, arson investigator or police officer,  
3 → may elect to receive the benefits provided under NRS 616C.440  
4 for a permanent total disability.

5 12. Claims filed under this section may be reopened at any  
6 time during the life of the claimant for further examination and  
7 treatment of the claimant upon certification by a physician of a  
8 change of circumstances related to the occupational disease which  
9 would warrant an increase or rearrangement of compensation.

10 **Sec. 4.** NRS 617.485 is hereby amended to read as follows:

11 617.485 1. Notwithstanding any other provision of this  
12 chapter and except as otherwise provided in this section, if an  
13 employee has hepatitis, the disease is conclusively presumed to have  
14 arisen out of and in the course of his or her employment if ~~that~~ :

15 (a) *The* employee has been continuously employed for 5 years  
16 or more as a police officer, full-time salaried firefighter or  
17 emergency medical attendant in this State before the date of any  
18 temporary or permanent disability or death resulting from the  
19 hepatitis ~~H~~; and

20 (b) *The hepatitis was diagnosed during the course of that*  
21 *employment.*

22 2. Compensation awarded to a police officer, firefighter or  
23 emergency medical attendant, or to the dependents of such a person,  
24 for hepatitis pursuant to this section must include:

25 (a) Full reimbursement for related expenses incurred for medical  
26 treatments, surgery and hospitalization; and

27 (b) The compensation provided in chapters 616A to 616D,  
28 inclusive, of NRS for the disability or death.

29 3. A police officer, salaried firefighter or emergency medical  
30 attendant shall:

31 (a) Submit to a blood test to screen for hepatitis C upon  
32 employment, upon the commencement of coverage and thereafter on  
33 an annual basis during his or her employment.

34 (b) Submit to a blood test to screen for hepatitis A and hepatitis  
35 B upon employment, upon the commencement of coverage and  
36 thereafter on an annual basis during his or her employment, except  
37 that a police officer, salaried firefighter or emergency medical  
38 attendant is not required to submit to a blood test to screen for  
39 hepatitis A and hepatitis B on an annual basis during his or her  
40 employment if he or she has been vaccinated for hepatitis A and  
41 hepatitis B upon employment or at other medically appropriate  
42 times during his or her employment. Each employer shall provide a  
43 police officer, salaried firefighter or emergency medical attendant  
44 with the opportunity to be vaccinated for hepatitis A and hepatitis B



1 upon employment and at other medically appropriate times during  
2 his or her employment.

3 4. All blood tests required pursuant to this section and all  
4 vaccinations provided pursuant to this section must be paid for by  
5 the employer.

6 5. The provisions of this section:

7 (a) Except as otherwise provided in paragraph (b), do not apply  
8 to a police officer, firefighter or emergency medical attendant who  
9 is diagnosed with hepatitis upon employment.

10 (b) Apply to a police officer, firefighter or emergency medical  
11 attendant who is diagnosed with hepatitis upon employment if,  
12 during the employment, ~~for within 1 year after the last day of the~~  
13 ~~employment,] he or she is diagnosed with a different strain of~~  
14 hepatitis.

15 ~~[(c) Apply to a police officer, firefighter or emergency medical~~  
16 ~~attendant who is diagnosed with hepatitis after the termination of the~~  
17 ~~employment if the diagnosis is made within 1 year after the last day~~  
18 ~~of the employment.]~~

19 6. A police officer, firefighter or emergency medical attendant  
20 who is determined to be:

21 (a) Partially disabled from an occupational disease pursuant to  
22 the provisions of this section; and

23 (b) Incapable of performing, with or without remuneration, work  
24 as a police officer, firefighter or emergency medical attendant,  
25 → may elect to receive the benefits provided pursuant to NRS  
26 616C.440 for a permanent total disability.

27 7. As used in this section:

28 (a) "Emergency medical attendant" means a person licensed as  
29 an attendant or certified as an emergency medical technician,  
30 advanced emergency medical technician or paramedic pursuant to  
31 chapter 450B of NRS, whose primary duties of employment are the  
32 provision of emergency medical services.

33 (b) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and  
34 any additional diseases or conditions that are associated with or  
35 result from hepatitis A, hepatitis B or hepatitis C.

36 (c) "Police officer" means a sheriff, deputy sheriff, officer of a  
37 metropolitan police department or city police officer.

38 **Sec. 5.** NRS 617.487 is hereby amended to read as follows:

39 617.487 1. Notwithstanding any other provision of this  
40 chapter and except as otherwise provided in this section, if an  
41 employee has hepatitis, the disease is conclusively presumed to have  
42 arisen out of and in the course of his or her employment if ~~that~~ :

43 (a) *The* employee has been continuously employed for 5 years  
44 or more as a police officer or a sheriff, deputy sheriff, officer of a  
45 metropolitan police department or city police officer in this State





1 before the date of any temporary or permanent disability or death  
2 resulting from the hepatitis ~~H~~; and

3 *(b) The hepatitis was diagnosed during the course of that*  
4 *employment.*

5 2. Compensation awarded to a police officer, or to the  
6 dependents of a police officer, for hepatitis pursuant to this section  
7 must include:

8 (a) Full reimbursement for related expenses incurred for medical  
9 treatments, surgery and hospitalization; and

10 (b) The compensation provided in chapters 616A to 616D,  
11 inclusive, of NRS for the disability or death.

12 3. A police officer shall:

13 (a) Submit to a blood test to screen for hepatitis C upon  
14 employment and upon the commencement of coverage.

15 (b) If the employer of the police officer provides screening for  
16 hepatitis C for police officers on an annual basis, submit to a blood  
17 test to screen for hepatitis C thereafter on an annual basis during his  
18 or her employment.

19 (c) If the employer of the police officer provides screening for  
20 hepatitis A and hepatitis B for police officers, submit to a blood test  
21 to screen for hepatitis A and hepatitis B upon employment, upon the  
22 commencement of coverage and thereafter on an annual basis during  
23 his or her employment, except that a police officer is not required to  
24 submit to a blood test to screen for hepatitis A and hepatitis B on an  
25 annual basis during his or her employment if he or she has been  
26 vaccinated for hepatitis A and hepatitis B upon employment or at  
27 other medically appropriate times during his or her employment.  
28 Each employer shall provide a police officer with the opportunity to  
29 be vaccinated for hepatitis A and hepatitis B upon employment and  
30 at other medically appropriate times during his or her employment.

31 4. All blood tests required pursuant to this section and all  
32 vaccinations provided pursuant to this section must be paid for by  
33 the employer.

34 5. The provisions of this section:

35 (a) Except as otherwise provided in paragraph (b), do not apply  
36 to a police officer who is diagnosed with hepatitis upon  
37 employment.

38 (b) Apply to a police officer who is diagnosed with hepatitis  
39 upon employment if, during the employment, ~~for within 1 year after~~  
40 ~~the last day of the employment.]~~ the police officer is diagnosed with  
41 a different strain of hepatitis.

42 ~~[(c) Apply to a police officer who is diagnosed with hepatitis~~  
43 ~~after the termination of the employment if the diagnosis is made~~  
44 ~~within 1 year after the last day of the employment.]~~

45 6. A police officer who is determined to be:



- 1 (a) Partially disabled from an occupational disease pursuant to  
2 the provisions of this section; and  
3 (b) Incapable of performing, with or without remuneration, work  
4 as a police officer,  
5 ➤ may elect to receive the benefits provided pursuant to NRS  
6 616C.440 for a permanent total disability.  
7 7. As used in this section:  
8 (a) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and  
9 any additional diseases or conditions that are associated with or  
10 result from hepatitis A, hepatitis B or hepatitis C.  
11 (b) "Police officer" means any police officer other than a sheriff,  
12 deputy sheriff, officer of a metropolitan police department or city  
13 police officer.  
14 **Sec. 6.** The amendatory provisions of this act apply to claims  
15 for compensation for occupational diseases filed pursuant to chapter  
16 617 of NRS on or after the effective date of this act.  
17 **Sec. 7.** This act becomes effective upon passage and approval.





