

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 643

Introduced by McDonnell, 5.

Read first time January 23, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to emergency response personnel; to amend
2 section 35-1001, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to death or disability prima facie evidence
4 requirements for a firefighter or firefighter-paramedic as
5 prescribed; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 35-1001, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 35-1001 (1) For a firefighter or firefighter-paramedic who is a
4 member of a paid fire department of a municipality or a rural or suburban
5 fire protection district in this state, including a municipality having a
6 home rule charter or a municipal authority created pursuant to a home
7 rule charter that has its own paid fire department, and who suffers death
8 or disability as a result of cancer, including, but not limited to,
9 breast cancer, ovarian cancer, cancer affecting the skin or the central
10 nervous, lymphatic, digestive, hematological, urinary, skeletal, oral, or
11 prostate systems, evidence which demonstrates that (a) such firefighter
12 or firefighter-paramedic successfully passed a physical examination upon
13 entry into such service or subsequent to such entry, which examination
14 failed to reveal any evidence of cancer, (b) such firefighter or
15 firefighter-paramedic was exposed to a known carcinogen, as defined on
16 July 19, 1996, by the International Agency for Research on Cancer, while
17 in the service of the fire department, and (c) such carcinogen is
18 reported by the agency to be a suspected or known cause of the type of
19 cancer the firefighter or firefighter-paramedic has, shall be prima facie
20 evidence that such death or disability resulted from injuries, accident,
21 or other cause while in the line of duty for the purposes of sections
22 16-1020 to 16-1042, a firefighter's pension plan established pursuant to
23 a home rule charter, and a firefighter's pension or disability plan
24 established by a rural or suburban fire protection district.

25 (2) For a firefighter or firefighter-paramedic who is a member of a
26 paid fire department of a municipality or a rural or suburban fire
27 protection district in this state, including a municipality having a home
28 rule charter or a municipal authority created pursuant to a home rule
29 charter that has its own paid fire department, and who suffers death or
30 disability as a result of a blood-borne infectious disease, tuberculosis,
31 meningococcal meningitis, or methicillin-resistant Staphylococcus aureus,

1 evidence which demonstrates that (a) such firefighter or firefighter-
2 paramedic successfully passed a physical examination upon entry into such
3 service or subsequent to such entry, which examination failed to reveal
4 any evidence of such blood-borne infectious disease, tuberculosis,
5 meningococcal meningitis, or methicillin-resistant Staphylococcus aureus,
6 and (b) such firefighter or firefighter-paramedic has engaged in the
7 service of the fire department within ten years before the onset of the
8 disease, shall be prima facie evidence that such death or disability
9 resulted from injuries, accident, or other cause while in the line of
10 duty for the purposes of sections 16-1020 to 16-1042, a firefighter's
11 pension plan established pursuant to a home rule charter, and a
12 firefighter's pension or disability plan established by a rural or
13 suburban fire protection district.

14 (3) The prima facie evidence presumed under this section shall
15 extend to death or disability as a result of cancer as described in this
16 section, a blood-borne infectious disease, tuberculosis, meningococcal
17 meningitis, or methicillin-resistant Staphylococcus aureus after the
18 firefighter or firefighter-paramedic separates from his or her service to
19 the fire department if the death or disability occurs within three months
20 after such separation.

21 (4) For purposes of this section, blood-borne infectious disease
22 means human immunodeficiency virus, acquired immunodeficiency syndrome,
23 and all strains of hepatitis.

24 Sec. 2. Original section 35-1001, Reissue Revised Statutes of
25 Nebraska, is repealed.