

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 643

FINAL READING

Introduced by McDonnell, 5; Hilkemann, 4; Blood, 3.

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, and cancer affecting the skin or the
10 central nervous, lymphatic, digestive, hematological, urinary, skeletal,
11 oral, or prostate systems, evidence which demonstrates that (a) such
12 firefighter or firefighter-paramedic successfully passed a physical
13 examination upon entry into such service or subsequent to such entry,
14 which examination failed to reveal any evidence of cancer, (b) such
15 firefighter or firefighter-paramedic was exposed to a known carcinogen,
16 as defined on July 19, 1996, by the International Agency for Research on
17 Cancer, while in the service of the fire department, and (c) such
18 carcinogen is reported by the agency to be a suspected or known cause of
19 the type of cancer the firefighter or firefighter-paramedic has, shall be
20 prima facie evidence that such death or disability resulted from
21 injuries, accident, or other cause while in the line of duty for the
22 purposes of sections 16-1020 to 16-1042, a firefighter's pension plan
23 established pursuant to a home rule charter, and a firefighter's pension
24 or disability plan established by a rural or suburban fire protection
25 district.

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

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

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

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

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