



Ohio Legislative Service Commission

Bill Analysis

Dan Baeder

H.B. 346

129th General Assembly
(As Introduced)

Reps. Yuko, Foley, Ramos, Murray, Lundy, Reece, Fedor, Fende, Letson, R. Hagan

BILL SUMMARY

- Provides that a firefighter, police officer, or public emergency medical services worker who is disabled as a result of specified types of cancer or certain contagious diseases is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund (OPFPF) to have incurred the disease while performing his or her official duties.
 - Allows for the presumption created in the bill to be rebutted upon the presentation of competent or affirmative evidence to the contrary, or, for OPFPF disability, if the cancer or disease was present prior to the commencement of an individual's service in a police or fire department.
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CONTENT AND OPERATION

Presumption of illness incurred while performing official duties

The bill creates a presumption that a member of the Ohio Police and Fire Pension Fund who is either a member of a police department or a fire department and who incurs and is disabled by the following types of cancer or disease incurred the cancer or disease while performing the member's official duties:

- Cancer of the lung, brain, kidney, bladder, rectum, colon, stomach, skin, testicles, or prostate;
- Non-Hodgkin's lymphoma;
- Leukemia;
- Multiple myeloma;

- Any contagious disease specified in rules adopted by the Public Health Council as being reasonably likely to be transmitted by air or blood during the normal course of duties performed by an emergency medical services worker.

Firefighters must have been assigned to at least three years of hazard duty for the presumption to apply.¹

For the purpose of workers' compensation, the bill creates the same presumption for members of police and fire departments and extends the presumption to public emergency medical services workers who hold a current valid certificate issued pursuant to current law, have been assigned to at least three years of hazard duty, and are members of a public retirement system. The cancers and illnesses listed above are included in the list of occupational diseases that are compensable under current Workers' Compensation Law.²

Rebuttal of the presumption

The bill provides that the presumption created by the bill can be rebutted upon the presentation of competent or affirmative evidence to the contrary of the presumption. In the case of a member of a police or fire department, the presumption can also be rebutted if any evidence of the disease or cancer incurred by the member appeared on the physical examination passed by the member upon entry to the police or fire department.³

Application

The bill applies only to applications for disability benefits filed on or after the bill's effective date and to workers' compensation claims arising on or after the bill's effective date.⁴

HISTORY

ACTION

DATE

Introduced

10-12-11

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¹ R.C. 742.38(D)(3)(b).

² R.C. 4123.68(X), with a conforming change in R.C. 4123.57(D).

³ R.C. 742.38(D)(3)(b) and 4123.68(X).

⁴ Sections 3 and 4 of the bill.

