

By: Representatives Hale, Bailey, Bain, Bell To: Insurance
(21st), Blackmon, Brown, Carpenter, Clarke,
Denton, Foster, Hood, Hopkins, Kinkade,
Mickens, Willis, Young, Miles, Hughes,
Sanford, Rogers (14th), Arnold, Powell,
DeLano, Steverson, Reynolds, Barnett

HOUSE BILL NO. 1385

1 AN ACT TO PROVIDE THAT WHEN A FIRST RESPONDER WHO HAS
2 COMPLETED A CERTAIN NUMBER OF YEARS OF SERVICE IS UNABLE TO
3 PERFORM HIS REGULAR DUTIES DUE TO CANCER, THE CANCER MUST BE
4 CLASSIFIED AS AN OCCUPATIONAL DISEASE CONNECTED WITH THE DUTIES OF
5 THE FIRST RESPONDER; TO PROVIDE THAT THE AFFECTED FIRST RESPONDER,
6 OR HIS SURVIVORS, IS ENTITLED TO ALL RIGHTS AND BENEFITS GRANTED
7 BY STATE LAW TO WHICH A PERSON SUFFERING AN OCCUPATIONAL INJURY IS
8 ENTITLED; TO PROVIDE THAT A DISEASE OF THE HEART OR LUNGS, CERTAIN
9 HEARING LOSS, OR HEPATITIS B OR C THAT DEVELOPS IN A FIREFIGHTER
10 OR POLICE OFFICER IS PRESUMED TO HAVE BEEN CAUSED BY WORK
11 PERFORMED IN THE LINE OF DUTY, AND THE EMPLOYEE IS ENTITLED TO ALL
12 RIGHTS AND BENEFITS GRANTED BY STATE LAW TO WHICH A PERSON
13 SUFFERING AN OCCUPATIONAL INJURY IS ENTITLED; AND FOR RELATED
14 PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** (1) Because of exposure to heat, smoke and fumes
17 or carcinogenic, poisonous, toxic or chemical substances, radar or
18 stress, when a first responder who has completed ten (10) or more
19 years of service is unable to perform his regular duties as a
20 firefighter or police officer in this state by reason of cancer,
21 the cancer must be classified as an occupational disease or
22 infirmity connected with the duties of a first responder. The
23 disease or infirmity must be presumed to have been caused by or to
24 have resulted from the work performed. This presumption is



25 rebuttable by evidence meeting judicial standards and must be
26 extended to an employee following termination of service for a
27 period of three (3) months for each full year of service, not to
28 exceed sixty (60) months, commencing with the last actual date of
29 service.

30 (2) The cancer referred to in subsection (1) is limited to
31 the types of cancer: which may be caused by exposure to heat,
32 smoke, radiation or a known or suspected carcinogen as defined by
33 the International Agency for Research on Cancer; and which also
34 originates in the bladder, brain, colon, liver, pancreas, skin,
35 kidney or gastrointestinal or reproductive tract, and leukemia,
36 lymphoma and multiple myeloma, prostate and testicular cancer, and
37 any other type of cancer due to occupational exposure, for which
38 firefighters and police officers are determined to have a
39 statistically significant increased risk over that of the general
40 population. The employer must prove by a preponderance of the
41 evidence that the disease was caused by some means other than the
42 occupation to disqualify the firefighter or police officer, as the
43 case may be, from benefits.

44 (3) The affected first responder, or his survivors, is
45 entitled to all rights and benefits granted by state law to which
46 a person suffering an occupational injury is entitled as service
47 connected in the line of duty.

48 (4) For purposes of this act, the term "firefighter" means
49 any firefighter employed by any subdivision of the State of



Mississippi on a full-time duty status and any firefighter registered with the State of Mississippi or a political subdivision of the state on a volunteer firefighting status. The term "police officer" means every full-time officer authorized to direct or regulate traffic or make arrests for violations of traffic regulations in the State of Mississippi. The term "first responder" includes full-time firefighters, volunteer firefighters and full-time police officers in the State of Mississippi.

SECTION 2. Any disease or infirmity of the heart or lungs which develops during a period of full-time employment as a firefighter or police officer in the State of Mississippi is classified as a disease or infirmity connected with employment. The affected employee, or his survivors, is entitled to all rights and benefits granted by the laws of the State of Mississippi to which a person suffering an occupational disease is entitled as service connected in the line of duty, regardless of whether the firefighter or police officer is on duty at the time he is stricken with the disease or infirmity. The disease or infirmity must be presumed, prima facie, to have been caused by or to have resulted from the nature of the work performed whenever it is manifested at any time after the first ten (10) years of employment. The employer must prove by a preponderance of the evidence that the disease was caused by some means other than the occupation to disqualify the firefighter or police officer from benefits.



SECTION 3.

(1) For purposes of this section only, any loss of hearing which is ten percent (10%) greater than that of the affected employee's comparable age group in the general population and which develops during full-time employment as a firefighter or police officer in the State of Mississippi must be classified as a disease or infirmity connected with employment. The affected employee is entitled to those medical benefits, including hearing prosthesis, granted by the laws of the State of Mississippi to which a person suffering an occupational disease is entitled, regardless of whether or not the firefighter or police officer is on duty at the time he is stricken with the loss of hearing. The loss of hearing is presumed to have developed during employment and must be presumed to have been caused by or to have resulted from the nature of the work performed whenever it is manifested at any time after the first ten (10) years of employment as a full-time firefighter or police officer. This presumption is rebuttable by evidence meeting judicial standards and must be extended to an employee following termination of service for a period of twenty-four (24) months.

(2) Each person selected for appointment to an entry level position as a full-time firefighter or police officer on or after July 1, 2006, shall submit to a baseline audiology examination. The appointing authority shall develop and implement policies and procedures for the administration of the examination. The examination must take place no later than one (1) year after the



selection of the person for the appointment or, for those persons employed on July 1, 2019, no later than July 1, 2020.

SECTION 4. (1) Because of exposure to blood and saliva of accident and crime victims, when a full-time firefighter or police officer who has completed two (2) or more years of service contracts Hepatitis B or Hepatitis C, the disease must be deemed an occupational disease or infirmity connected with the duties of a firefighter or police officer. The disease or infirmity must be presumed to have been caused or to have resulted from the work performed. The presumption is rebuttable by evidence meeting judicial standards and must be extended to an employee following termination of service for a period of three (3) months for each full year of service, not to exceed sixty (60) months, commencing with the last actual date of service. The presumption is rebuttable by evidence that the otherwise eligible affected employee, at the time of diagnosis of Hepatitis B or C or within one (1) year of the diagnosis, was using controlled substances unlawfully by means of intravenous injection or lived in an intimate relationship with any person who has been diagnosed with Hepatitis B or C.

(2) The affected employee, or his survivors, is entitled to all rights and benefits granted by state or federal law to which a person suffering from an occupational disease is entitled as service connected in the line of duty.



124 **SECTION 5.** This act shall take effect and be in force from
125 and after July 1, 2019.

