



OHIO LEGISLATIVE SERVICE COMMISSION

Synopsis of House Committee Amendments*

Kelly Bomba

Sub. S.B. 27

131st General Assembly
(H. Insurance)

Presumption of illness incurred while performing official duties

Removes the types of cancers specified in the Senate-passed version to which the presumption created by the bill applies and provides that the presumption applies if the firefighter was exposed to an agent classified by the International Agency for Research on Cancer or its successor agency (IARC) as a Group 1 or 2A carcinogen.

Increases the number of years a firefighter must have been assigned to hazardous duty for the proposed presumption to apply from three to six.

Specifies that the proposed presumption does not apply if it has been more than 20 years since the firefighter was last assigned to hazardous duty as a firefighter.

For purposes of the Workers' Compensation Law, makes compensation for cancer under the presumption payable only in the event of temporary total disability, permanent total disability, or death, in accordance with continuing law.

Rebuttal of the presumption

Changes the situations under which the presumption may be rebutted to the following:

- Removes the situation proposed in the Senate-passed version that made the presumption rebuttable in the event that, for purposes of a disability pension, competent evidence to the contrary of the presumption is shown or, in the case of workers' compensation, affirmative evidence is shown.
- Expands the situation proposed in the Senate-passed version that makes the presumption rebuttable under the Ohio Police and Fire Pension Fund Law if the evidence of the cancer was revealed on the firefighter's physical entrance examination to make the presumption rebuttable if the firefighter incurred the type of cancer being alleged before becoming a member of

* This synopsis does not address amendments that may have been adopted on the House Floor.

the fire department and to also apply it to the presumption under the Workers' Compensation Law.

- Expands the situation proposed in the Senate-passed version that makes the presumption rebuttable if evidence exists that the firefighter was a substantial and consistent tobacco user within the ten years before the cancer diagnosis, and that the use was a significant factor in the cancer's cause, aggravation, or progression, to make the presumption rebuttable if evidence exists that the firefighter's exposure, outside of the scope of the firefighter's official duties, to cigarettes, tobacco, or other conditions presenting an extremely high risk for the alleged cancer's development was probably a significant factor in the cause or progression of the cancer.
- Adds as a situation to make the presumption rebuttable if there is evidence that the firefighter was not exposed to an agent classified by the IARC as a Group 1 or 2A carcinogen.
- Makes the presumption rebuttable if the firefighter is 70 years of age or older, rather than age 75 or older as under the Senate-passed version.

Report on presumed cancer claims

Requires the Administrator of Workers' Compensation, every two years, to prepare a report regarding presumed cancer claims arising from the presumption created by the bill, including the number of approved and disapproved claims and the cost related to the claims, and submit it to specified individuals and groups.

Requires the Board of Trustees of the Ohio Police and Fire Pension Fund to submit to the Administrator any data necessary for the report.

Act name

Names the act the "Michael Louis Palumbo, Jr. Act."