

BILL ANALYSIS

Senate Research Center
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S.B. 740
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DIGEST AND PURPOSE

Currently, when a fire destroys a residential home or an industrial factory, firefighters face a very different work environment than they did just a few decades ago. The combustion of modern synthetic and plastic materials produces many highly toxic and carcinogenic compounds that were not found in fires of the past, exposing present-day firefighters to high concentrations of benzene, formaldehyde, polycyclic aromatic hydrocarbons (PAH), asbestos, and other complex mixes of dangerous chemicals. These chemical substances can cause serious physical harm to the firefighter. As proposed, S.B. 740 provides a rebuttable presumption that the contracting of certain diseases by a firefighter is in the course and scope of employment and in certain cases the firefighter is entitled to reimbursement.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 607, Government Code, as follows:

CHAPTER 607. BENEFITS RELATING TO CERTAIN DISEASES AND ILLNESSES

SUBCHAPTER A. CONTAGIOUS DISEASES

Sec. 600.001. Redefines “public safety employee.”

Sec. 607.004. Makes conforming changes.

SUBCHAPTER B. DISEASE OR ILLNESS RELATED TO FIRE FIGHTING

Sec. 607.051. APPLICABILITY. Provides that this subchapter applies only to a firefighter employed by the state or a political subdivision of the state, including a home-rule municipality, who meets certain requirements.

Sec. 607.052. LUNG DISEASE OR ILLNESS. Provides that, regardless of any other law, a firefighter who suffers from a disease or illness of the lungs or respiratory tract resulting in total disability or death is presumed to have contracted the disease or illness from inhaling noxious fumes or poisonous gases during the course of employment.

Sec. 607.053. HYPERTENSION OR HEART DISEASE. Makes a conforming change regarding hypertension or heart disease.

Sec. 607.054. CANCER. Provides that, regardless of any other law, a firefighter who suffers from cancer resulting in total disability or death and who has been employed as a firefighter for at least five years on the date by which the cancer should have been discovered is presumed to

have contracted the cancer during the course of the employment.

(b) Provides that this section only applies under certain stated conditions.

(c) Provides that this section applies to a cancerous condition that affects certain stated bodily systems or organs.

(d) Provides that this section applies to any type of cancer recognized by the Texas Department of Health (department) as having a statistically significant correlation with fire fighting. Authorizes the department, when recognizing a correlation under this section, to rely on information and data published by the International Agency for Research on Cancer.

(e) Provides that this section applies to a former firefighter if the cancer is discovered on or before the fifth anniversary of the date of last employment as a firefighter. Provides that the person is entitled to reimbursement from the date the person last received regular compensation as a firefighter.

Sec. 607.055. REBUTTABLE PRESUMPTION. Authorizes a presumption under Section 607.052, 607.053, or 607.054 to be rebutted through a showing by a preponderance of the evidence that a risk factor, accident, or hazard unassociated with fire fighting caused the person's disease or illness.

SECTION 2. Effective date: September 1, 2001.