

HOUSE BILL 128

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO OCCUPATIONAL DISEASE DISABLEMENT; INCLUDING
ADDITIONAL CONDITIONS THAT ARE PRESUMED TO BE PROXIMATELY
CAUSED BY EMPLOYMENT AS A FIREFIGHTER; SPECIFYING EMPLOYMENT
PERIODS FOR CERTAIN CANCERS THAT ARE PRESUMED TO BE PROXIMATELY
CAUSED BY EMPLOYMENT AS A FIREFIGHTER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 52-3-32.1 NMSA 1978 (being Laws 2009,
Chapter 252, Section 1, as amended) is amended to read:

"52-3-32.1. FIREFIGHTER OCCUPATIONAL CONDITIONS.--

A. As used in this section, "firefighter" means a
person who is employed as a full-time non-volunteer firefighter
by the state or a local government entity and who has taken the
oath prescribed for firefighters.

B. If a firefighter is diagnosed with one or more

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1 of the following conditions after the period of employment
2 indicated, and the condition was not revealed during an initial
3 employment medical screening examination or during a subsequent
4 medical review pursuant to the Occupational Health and Safety
5 Act and rules promulgated pursuant to that act, the condition
6 is presumed to be proximately caused by employment as a
7 firefighter:

- 8 (1) ~~[brain cancer after ten years;~~
- 9 ~~(2) bladder cancer after twelve years;~~
- 10 ~~(3) kidney cancer after fifteen years;~~
- 11 ~~(4) colorectal cancer after ten years;~~
- 12 ~~(5) non-Hodgkin's lymphoma after fifteen~~
13 ~~years;~~
- 14 ~~(6) leukemia after five years;~~
- 15 ~~(7) ureter cancer after twelve years;~~
- 16 ~~(8) testicular cancer after five years if~~
17 ~~diagnosed before the age of forty with no evidence of anabolic~~
18 ~~steroids or human growth hormone use;~~
- 19 ~~(9) breast cancer after five years if~~
20 ~~diagnosed before the age of forty without a breast cancer 1 or~~
21 ~~breast cancer 2 genetic predisposition to breast cancer;~~
- 22 ~~(10) esophageal cancer after ten years;~~
- 23 ~~(11) multiple myeloma after fifteen years]~~ the
24 following cancers after five years:

- 25 (a) bladder;

1 (b) breast if diagnosed without a breast
2 cancer 1 or breast cancer 2 genetic predisposition to breast
3 cancer;

4 (c) brain;
5 (d) cervical;
6 (e) colon;
7 (f) colorectal;
8 (g) esophageal;
9 (h) kidney;
10 (i) leukemia;
11 (j) lung;
12 (k) malignant melanoma;
13 (l) mesothelioma;
14 (m) multiple myeloma;
15 (n) non-Hodgkin's lymphoma;
16 (o) ovarian;
17 (p) prostate;
18 (q) skin;
19 (r) stomach;
20 (s) testicular if diagnosed with no
21 evidence of anabolic steroids or human growth hormone use;
22 (t) thyroid; and
23 (u) ureter;

24 ~~[+12+]~~ (2) hepatitis, tuberculosis,
25 diphtheria, meningococcal disease and methicillin-resistant

1 staphylococcus aureus appearing and diagnosed after entry into
2 employment; or

3 ~~[(13)]~~ (3) posttraumatic stress disorder
4 diagnosed by a physician or psychologist that results in
5 physical impairment, primary or secondary mental impairment or
6 death.

7 C. The presumptions created in Subsections B and D
8 of this section may be rebutted by a preponderance of evidence
9 in a court of competent jurisdiction showing that the
10 firefighter engaged in conduct or activities outside of
11 employment that posed a significant risk of contracting or
12 developing a described condition.

13 D. If a firefighter is diagnosed with a heart
14 injury or stroke suffered within twenty-four hours of fighting
15 a fire, while responding to an alarm, while returning from an
16 alarm call, while engaging in supervised physical training or
17 while responding to or performing in a non-fire emergency, the
18 heart injury or stroke is presumed to be proximately caused by
19 employment as a firefighter. The presumption created in this
20 subsection shall not be made if the firefighter's employer does
21 not have a current physical training program and the
22 firefighter does not have a current medical screening
23 examination or review pursuant to the Occupational Health and
24 Safety Act and rules promulgated pursuant to that act allowing
25 participation in that program.

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1 E. When any presumptions created in this section do
2 not apply, it shall not preclude a firefighter from
3 demonstrating a causal connection between employment and
4 condition or injury by a preponderance of evidence in a court
5 of competent jurisdiction.

6 F. Medical treatment based on the presumptions
7 created in this section shall be provided by an employer as for
8 a job-related condition or injury unless and until a court of
9 competent jurisdiction determines that the presumption does not
10 apply. If the court determines that the presumption does not
11 apply or that the condition or injury is not job related, the
12 employer's workers' compensation insurance provider shall be
13 reimbursed for health care costs by the medical or health
14 insurance plan or benefit provided for the firefighter by the
15 employer."