

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;

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underscoring material = new
[bracketed material] = delete

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

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underscored material = new
~~[bracketed material]~~ = delete

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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