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HOUSE BILL 607

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO FIREFIGHTERS; CREATING A REBUTTAL PRESUMPTION OF CAUSATION OF DISEASE, DISABILITY OR DEATH FOR CERTAIN PURPOSES.

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

Section 1. FIREFIGHTERS--REBUTTAL PRESUMPTION OF CAUSE OF DISEASE, DISABILITY OR DEATH.--

A. For the purpose of workers' compensation matters, occupational disease matters and the public employees retirement association, the following diseases, if diagnosed in a firefighter, are presumed to be proximately caused by the employment of the firefighter; provided that this presumption shall not apply to a firefighter who was diagnosed with the disease prior to employment as a firefighter. Disability or death of a firefighter caused by the following diseases unless diagnosed prior to employment are presumed to result from

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1 personal injury sustained while in the performance of the
2 firefighter's duty. The diseases are:

- 3 (1) heart disease or cardiovascular events;
- 4 (2) respiratory disease;
- 5 (3) brain cancer;
- 6 (4) cancer of the blood system or the
7 lymphatic system;
- 8 (5) leukemia;
- 9 (6) lymphoma, except Hodgkin's disease;
- 10 (7) multiple myeloma;
- 11 (8) bladder cancer;
- 12 (9) kidney cancer;
- 13 (10) prostate cancer;
- 14 (11) testicular cancer;
- 15 (12) cancer of the digestive system;
- 16 (13) colon cancer;
- 17 (14) liver cancer;
- 18 (15) skin cancer;
- 19 (16) breast cancer;
- 20 (17) lung cancer;
- 21 (18) tuberculosis;
- 22 (19) hepatitis A, B or C;
- 23 (20) human immunodeficiency virus;
- 24 (21) diphtheria;
- 25 (22) hemorrhagic fever;

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- 1 (23) meningococcal disease;
- 2 (24) rabies; and
- 3 (25) any uncommon infectious disease the
- 4 contraction of which is determined by the secretary of
- 5 workforce solutions to be related to occupational hazards of
- 6 the firefighter.

7 B. The presumption created in this section may be
8 rebutted by a preponderance of the evidence.

9 C. As used in this section, "firefighter" means a
10 full- or part-time member of a fire department that is part of
11 or administered by the state or any political subdivision of
12 the state and any red-carded firefighter trained in wildland
13 firefighting skills and hired by the state of New Mexico.

14 Section 2. APPLICABILITY.--The provisions of this act
15 apply to claims made on or after July 1, 2008 even if the
16 exposure causing the disease, disability or death occurred
17 prior to July 1, 2008.

18 Section 3. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2008.