

## RS 33:2011

### SUBPART B-2. MISCELLANEOUS PROVISIONS RELATIVE TO FIREMEN

§2011. Development of cancer during employment in fire service; occupational disease

A.(1) Because of exposure to heat, smoke, and fumes or carcinogenic, poisonous, toxic, or chemical substances, when a firefighter in the classified service who has completed ten or more years of service has developed cancer, the cancer shall be classified as an occupational disease or infirmity connected with the duties of a firefighter. The disease or infirmity shall be presumed to have been caused by or to have resulted from the work performed. This presumption shall be rebuttable by evidence meeting judicial standards.

(2) For a firefighter who terminates his service prior to January 1, 2023, this presumption shall be extended to the member following termination of service for a period of three months for each full year of service not to exceed sixty months commencing with the last actual date of service.

(3) For a firefighter who is active or who terminates his service on or after January 1, 2023, the disease or infirmity shall be presumed to have been caused by or to have resulted from the work performed, only if the cancer diagnosis is made prior to the firefighter reaching the age of sixty-five. Following termination of service for a period of one hundred twenty months, commencing with the last actual date of service, the presumption shall be extended to the following members:

(a) A firefighter who is employed in the fire service for at least ten years and attains the age of fifty-five.

(b) A firefighter who is employed in the fire service for at least twenty years and attains the age of fifty.

(c) A firefighter who is employed in the fire service for at least twenty-five years.

(d) A firefighter who is employed in the fire service for at least ten years and who is subsequently approved for disability retirement by a public retirement system.

B. The cancer referred to in Subsection A of this Section shall be limited to the types of cancer which may be caused by exposure to heat, smoke, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer. The cancer shall also be limited to a cancer originating in the bladder, brain, colon, liver, pancreas, skin, kidney, or gastrointestinal or reproductive tract, and leukemia, lymphoma, multiple myeloma, prostate cancer, and testicular cancer, or any other type of cancer, due to occupational exposure, for which firefighters are determined to have a statistically significant increased risk over that of the general population.

C. The affected employee or his survivors shall be entitled to all rights and benefits as granted by state law to which one suffering an occupational injury is entitled as service connected in the line of duty.

D. The provisions of this Section shall not be construed to affect in any way the provisions of R.S. 33:2581.

E. For claims arising under this Section, the obligation of the employer to provide such care, services, treatment, drugs, and supplies, whether in state or out of state, is limited to the reimbursement determined to be the amount due under Medicare times a multiplier of one and one-half, or the actual charge made for the service, whichever is less. If there is no Medicare fee schedule reimbursement amount for a particular care, service, treatment, drug, or supply, the reimbursement shall be in accordance with R.S. 23:1034.2.

Acts 1995, No. 214, §1; Acts 2004, No. 641, §1; Acts 2017, No. 287, §1; Acts 2022, No. 516, §1.