



**House  
Legislative  
Analysis  
Section**

House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

**FIRE FIGHTERS; WORKERS'  
COMPENSATION**

**House Bill 5190**

**Sponsor: Rep. Andrew Raczkowski  
Committee: Employment Relations,  
Training and Safety**

**Complete to 10-18-01**

**A SUMMARY OF HOUSE BILL 5190 AS INTRODUCED 10-11-01**

House Bill 5190 would amend the Worker’s Disability Compensation Act to include respiratory tract, bladder, skin, brain, kidney, blood, and lymphatic cancers in the term “personal injury” for members of fully paid fire departments employed for at least 24 months, whose primary duty for 24 months or more, was fighting fires or inspecting fire scenes. Those cancers would not be considered to arise out of and in the course of employment, however, if evidence showed that the fire fighter was a consistent smoker of cigarettes or other tobacco products within the five years immediately before filing a claim under the act.

Currently, “personal injury” must be construed to include respiratory and heart diseases or resulting illnesses that develop or manifest themselves while a member of a fully paid fire department or police department is in active service, and that result from the duties performed for the department. Such respiratory and hear diseases or illnesses are considered to arise out of and in the course of employment, unless there is evidence to the contrary. Under the bill, the specified cancers also would be considered to arise out of and in the course of employment, in the absence of evidence to the contrary. Further, a claimant for benefits under the current provisions must first apply for any pension benefits to which he or she may be entitled. If pension benefits are not awarded, then the presumption of “personal injury” applies. Under House Bill 5190, a fire fighter applying for benefits due to the specified cancers also would have to apply for pension benefits first.

Finally, House Bill 5190 would require the Bureau of Worker’s Disability Compensation to research the financial and procedural implications of applying a cancer presumption to volunteer fire fighters. The study would have to include a description of amendments to the act that would be necessary to apply a cancer presumption on an equal basis to all classifications of fire fighters. The bureau would have to provide the report to the chairs and vice-chairs of the Senate and House committees that consider worker’s compensation legislation by June 30, 2002.

MCL 418.405

Analyst: J. Hunault

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.