2022 Regular Session

HOUSE BILL NO. 854

BY REPRESENTATIVES STAGNI, ADAMS, BOYD, BRYANT, ROBBY CARTER, CORMIER, DEVILLIER, DUPLESSIS, EMERSON, FISHER, FREEMAN, GLOVER, HARRIS, HORTON, HUGHES, JEFFERSON, JENKINS, MIKE JOHNSON, LAFLEUR, LARVADAIN, LYONS, MAGEE, CHARLES OWEN, PIERRE, ROMERO, SELDERS, WHITE, AND WILLARD

1	AN ACT
2	To amend and reenact R.S. 33:2011(A) and to enact R.S. 33:2011(E), relative to
3	occupational diseases; provides relative to members employed in the classified fire
4	service; to provide for an extension to the rebuttable presumption; to provide
5	limitations; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 33:2011(A) is hereby amended and reenacted and R.S. 33:2011(E)
8	is hereby enacted to read as follows:
9	§2011. Development of cancer during employment in fire service; occupational
10	disease
11	A. (1) Because of exposure to heat, smoke, and fumes or carcinogenic,
12	poisonous, toxic, or chemical substances, when a firefighter in the classified service
13	who has completed ten or more years of service has developed cancer, the cancer
14	shall be classified as an occupational disease or infirmity connected with the duties
15	of a firefighter. The disease or infirmity shall be presumed to have been caused by
16	or to have resulted from the work performed. This presumption shall be rebuttable
17	by evidence meeting judicial standards,.
18	(2) and shall be extended to a member following termination of service for
19	a period of three months for each full year of service not to exceed sixty months
20	commencing with the last actual date of service. For a firefighter who terminates his
21	service prior to January 1, 2023, this presumption shall be extended to the member
22	following termination of service for a period of three months for each full year of
23	service not to exceed sixty months commencing with the last actual date of service.

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1	(3) For a firefighter who is active or who terminates his service on or after
2	January 1, 2023, the disease or infirmity shall be presumed to have been caused by
3	or to have resulted from the work performed, only if the cancer diagnosis is made
4	prior to the firefighter reaching the age of sixty-five. Following termination of
5	service for a period of one hundred twenty months, commencing with the last actual
6	date of service, the presumption shall be extended to the following members:
7	(a) A firefighter who is employed in the fire service for at least ten years and
8	attains the age of fifty-five.
9	(b) A firefighter who is employed in the fire service for at least twenty years
10	and attains the age of fifty.
11	(c) A firefighter who is employed in the fire service for at least twenty-five
12	years.
13	(d) A firefighter who is employed in the fire service for at least ten years,
14	and who is subsequently approved for disability retirement by a public retirement
15	system.
16	* * *
17	E. For claims arising under this Section, the obligation of the employer to
18	provide such care, services, treatment, drugs, and supplies, whether in state or out of
19	state, is limited to the reimbursement determined to be the amount due under
20	Medicare times a multiplier of one and one-half, or the actual charge made for the
21	service, whichever is less. If there is no Medicare fee schedule reimbursement
22	amount for a particular care, service, treatment, drug, or supply, the reimbursement
23	shall be in accordance with La. R.S. 23:1034.2.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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