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ACT No. 516

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

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 service for a period of one hundred twenty months, commencing with the last actual 5 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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