

HOUSE BILL NO. HB0066

Firefighter-cancer screening benefits.

Sponsored by: Representative(s) Brown, Byron, Harshman,  
O'Hearn, Sommers, Stith, Walters and Wylie  
and Senator(s) Baldwin, Barlow and Salazar

A BILL

for

1 AN ACT relating to labor and employment; authorizing  
2 firefighters to receive annual cancer screenings under the  
3 Wyoming's worker's compensation act; making conforming  
4 amendments; providing definitions; requiring rulemaking;  
5 and providing for effective dates.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 27-14-901 and 27-14-902 are created  
10 to read:

11

ARTICLE 9

12

FIREFIGHTER CANCER DETECTION AND PREVENTION

13

14

15 **27-14-901. Short title.**

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2 This act shall be known and may be cited as the "Aaron  
3 Booker Firefighter Cancer Screening Act."

4

5 **27-14-902. Cancer screenings for firefighters;**  
6 **requirements.**

7

8 (a) As used in this section, "firefighter" means a  
9 person who has been employed or has volunteered as a  
10 firefighter for not less than ten (10) years and is  
11 classified as a firefighter member as defined by W.S.  
12 9-3-402(a)(xxv), a paid fireman as defined by W.S.  
13 15-5-201(a)(xi), an employee under W.S. 15-5-402(a)(viii),  
14 the state fire marshal and their employees, a volunteer  
15 fireman as defined by W.S. 15-5-201(a)(xiv), a volunteer  
16 firefighter as defined by W.S. 35-9-616(a)(x) and any  
17 person employed by a municipal corporation or private  
18 organization who devotes the person's entire time of  
19 employment to the provision of fire protection service for  
20 a city, town, county or fire protection district.

21

22 (b) Firefighters shall be presumed to have been  
23 exposed to cancer causing agents during the course and

1 scope of their employment. These exposures shall be  
2 considered work related injuries for which cancer  
3 screenings shall be provided as a workers' compensation  
4 award under the provisions of this act. No other injury or  
5 award shall be presumed or required to be provided pursuant  
6 to this subsection but this section shall not prohibit the  
7 application of any other presumption or prohibit  
8 qualification for any other award under the other  
9 provisions of this act.

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11 (c) Firefighters who are currently employed in that  
12 profession shall be provided cancer screenings which shall  
13 consist of:

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15 (i) Breast cancer screenings for female  
16 firefighters, to include at medically indicated intervals  
17 mammograms;

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19 (ii) Colon cancer screenings, to include stool  
20 based testing or colonoscopies at medically indicated  
21 intervals;

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1           (iii) Prostate cancer screenings for male  
2 firefighters, to include prostate specific antigen tests at  
3 medically indicated intervals;

4  
5           (iv) Routine screenings for any other cancers  
6 the risk or occurrence of which the director of the  
7 national institute for occupational safety and health has  
8 identified as higher among firefighters than among the  
9 general public.

10  
11          (d) The compensable workplace injury and cancer  
12 screenings award provided by subsection (b) and (c) of this  
13 section shall continue for not more than ten (10) years  
14 after the cessation of employment of a firefighter.

15  
16          (e) No workplace award of cancer screening benefits  
17 under this section shall be included in the calculation of  
18 any employer's experience rating but may be included in any  
19 base rate setting procedures conducted by the division.

20  
21          **Section**                   **2.** W.S.                   15-5-201(a)(iii),  
22 27-14-102(a)(xxvii),                   27-15-102(b)(ii)                   and  
23 35-17-106(a)(viii) are amended to read:

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2           **15-5-201. Definitions.**

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4           (a) As used in this article:

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6                   (iii) "Compensation Act" means the Wyoming  
7 Worker's Compensation Act, W.S. 27-14-101 through ~~27-14-806~~  
8 27-14-902;

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10           **27-14-102. Definitions.**

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12           (a) As used in this act:

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14                   (xxvii) "This act" means W.S. 27-14-101 through  
15 ~~27-14-806~~ 27-14-902;

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17           **27-15-102. Presumption of occupational disability;**  
18 **applicability; exceptions.**

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20           (b) A presumption established under this act applies  
21 to a determination of whether a firefighter's injury,  
22 disease, illness, health impairment, disability or death  
23 resulted from a listed disease contracted in the course and

1 scope of employment for purposes of benefits or  
2 compensation provided under:

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4 (ii) Workers' compensation benefits paid by or  
5 on behalf of an employer to an employee under the  
6 provisions of W.S. 27-14-101 through ~~27-14-806~~27-14-902;

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8 **35-17-106. Election to be covered by federal**  
9 **immunity.**

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11 (a) The state of Wyoming elects to be immediately  
12 covered by the immunity granted by the Health Care Quality  
13 Improvement Act of 1986, P.L. 99-660, Title IV adopted by  
14 Congress in 1986, to the extent authorized, as of the  
15 effective date of this section for all health care  
16 professional review bodies as defined in the act, for the  
17 applicable division of the department of health in its  
18 duties under W.S. 33-36-101 through 33-36-115 related to  
19 emergency medical services and for:

20

21 (viii) The Wyoming workers' compensation medical  
22 commission and any health care provider providing peer

