



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

Kelly Bomba

Sub. S.B. 27

131st General Assembly
(H. Insurance)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Passed by the Senate)	Sub. Version (L 131 0189-3)
<p>Types of cancer presumed to be an illness incurred while performing official duties</p>	<p>Creates a presumption that cancer in certain firefighters is an illness incurred while performing official duties for purposes of qualifying for disability benefits under the Ohio Police and Fire Pension Fund (OP&F) and the Workers' Compensation Law that applies when a firefighter is disabled as a result of any of the following types of cancer:</p> <ul style="list-style-type: none"> • Cancer of the lung, brain, kidney, bladder, rectum, stomach, skin, prostate, breast, cervix, or uterus; • Non-Hodgkin's lymphoma; • Leukemia; • Multiple myeloma; • Testicular or colorectal cancer (R.C. 742.38(D)(3)(b) and 4123.68(X)(1)). 	<p>Specifies, instead, that the presumption created by the bill applies if a firefighter was exposed to an agent classified by the International Agency for Research on Cancer or its successor agency (IARC) as a group 1, 2A, or 2B carcinogen (R.C. 742.38(D)(3)(b) and 4123.68(X)(1)).</p>

Topic	Previous Version (As Passed by the Senate)	Sub. Version (L 131 0189-3)
Years of hazardous duty	Requires, for the presumption created by the bill to apply, that a firefighter has been assigned to at least three years of hazardous duty as a member of a fire department (<i>R.C. 742.38(D)(3)(b) and 4123.68(X)(1)</i>).	Increases the required amount of hazardous duty to six years (<i>R.C. 742.38(D)(3)(b) and 4123.68(X)(1)</i>).
Rebuttal of the presumption	Specifies that the presumption created by the bill does not apply if the firefighter is 75 years old or older or in other specified situations discussed below (<i>R.C. 742.38(D)(3)(c) and 4123.68(X)(2)</i>).	Specifies that the presumption created by the bill is rebuttable if the firefighter is 75 years old or older or in other specified situations discussed below (<i>R.C. 742.38(D)(3)(c) and 4123.68(X)(2)</i>).
Specified situation – evidence to the contrary or preexisting cancer	Provides, for purposes of qualifying for disability benefits under OP&F, that the presumption created by the bill does not apply if competent evidence to the contrary of the presumption is shown or if the cancer that resulted in the firefighter's disability, or any evidence of that cancer, was revealed by the physical examination passed by the firefighter on entry into the department (<i>R.C. 742.38(D)(3)(c)(i)</i>).	Provides instead that the presumption created by the bill is rebuttable if there is evidence that the firefighter incurred the type of cancer being alleged before becoming a firefighter (<i>R.C. 742.38(D)(3)(c)(i)</i>).
Specified situation – use of cigarettes or other tobacco products	Specifies that the presumption created by the bill does not apply if competent evidence is shown that the firefighter was a substantial and consistent user of cigarettes or other tobacco products within the ten years immediately preceding the date of diagnosis of the cancer, and that the use was a significant factor in the cancer's cause, aggravation, or progression (<i>R.C. 742.38(D)(3)(c)(ii) and 4123.68(X)(2)(a)</i>).	Specifies that the presumption created by the bill is rebuttable if there is evidence that the firefighter's exposure, rather than use, outside the scope of the firefighter's official duties, to cigarettes, tobacco products, or other conditions presenting an extremely high risk for the development of cancer alleged, regardless of when the exposure occurred, could have been a significant factor in the cancer's cause or progression (<i>R.C. 742.38(D)(3)(c)(ii) and 4123.68(X)(2)(a)</i>).

Topic	Previous Version (As Passed by the Senate)	Sub. Version (L 131 0189-3)
Specified situation – evidence of exposure to specified carcinogens	No provision.	Specifies that the presumption created by the bill is rebuttable if evidence exists that the firefighter was not exposed to an agent classified by the IARC as a group 1, 2A, or 2B carcinogen (<i>R.C. 742.38(D)(3)(c)(iii) and 4123.68(X)(2)(b)</i>).
Report on presumed cancer claims	No provision.	<p>Requires the Administrator of Workers' Compensation to prepare a report regarding presumed cancer claims arising from the presumption created by the bill, including the number of approved and disapproved claims and the cost related to the claims.</p> <p>Requires the Administrator to submit the initial report not later than two years after the bill's effective date, and an updated report every two years thereafter, to specified individuals and interest groups.</p> <p>Requires the OP&F Board of Trustees to submit to the Administrator any data necessary for the report. (<i>R.C. 4123.86 and 742.38(E)</i>.)</p>

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