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Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 789 (as reported without amendment)  
Sponsor: Senator Mike Rogers  
Committee: Human Resources, Labor and Veterans Affairs

### **CONTENT**

The bill would amend the Worker's Disability Compensation Act to include occupational cancer or illnesses resulting from occupational cancer, in the term "personal injury" for members of fully paid fire departments. An occupational cancer or resulting illnesses of a member of a fully paid fire department, however, would not be considered to arise out of and in the course of employment if evidence were shown that the member was a consistent smoker of cigarettes or other tobacco products within five years immediately before filing a claim under the Act.

"Occupational cancer" would mean a type of cancer that had been shown to be linked with exposure to smoke, fumes, or carcinogenic, poisonous, toxic, or chemical substances or other hazards present during performance of duties for the fire department.

Currently, "personal injury" includes respiratory and heart diseases or resulting illnesses, which develop or manifest themselves while the member of the fully paid fire department or police department is in active service and result from the duties performed for the department. Such respiratory and heart disease or illnesses are considered to arise out of and in the course of employment, unless there is contrary evidence.

MCL 418.405

Legislative Analyst: N. Nagata

### **FISCAL IMPACT**

According to the Department of Consumer and Industry Services, the bill would have no fiscal impact on the State, but could have a fiscal impact on local governments. The bill would eliminate occupational cancer and illnesses for those members of a fully paid fire department where it was proven that an individual was a consistent smoker for five years before filing the claim. This change could lower worker's compensation claim costs for the local fire departments if the premiums for this insurance were lowered as a result of this condition.

Date Completed: 11-10-97

Fiscal Analyst: M. Tyszkiewicz