

Senate File 2146 - Introduced

SENATE FILE 2146

BY EDLER

A BILL FOR

1 An Act concerning presumptions relating to the occurrence
2 of cancers for purposes of providing benefits under the
3 municipal fire and police retirement system.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 411.1, Code 2024, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 6A. "*Carcinogen*" means an agent classified
4 by the international agency for research on cancer as a group 1
5 or group 2A carcinogen.

6 NEW SUBSECTION. 10A. "*Hazardous duty*" means the same as
7 defined in 5 C.F.R. §550.902, as amended.

8 Sec. 2. Section 411.6, subsection 5, paragraph c,
9 subparagraph (2), Code 2024, is amended to read as follows:

10 (2) Disease under **this subsection** shall ~~also~~ mean ~~cancer~~
11 ~~or~~ infectious disease and shall be presumed to have been
12 contracted while on active duty as a result of that duty.

13 Sec. 3. Section 411.6, subsection 5, paragraph c, Code 2024,
14 is amended by adding the following new subparagraph:

15 NEW SUBPARAGRAPH. (03) Disease under this subsection shall
16 also mean cancer and shall be presumed to have been contracted
17 while on active duty as a result of that duty if the active duty
18 included at least six years of performing hazardous duty.

19 (a) The presumption in this subparagraph is rebuttable if
20 there is evidence of any of the following:

21 (i) Sufficient exposure to tobacco products or other
22 carcinogen that presents an extremely high risk for the
23 development of cancer that occurred outside the scope of active
24 duty.

25 (ii) No known sufficient exposure to a carcinogen.

26 (iii) The cancer occurring prior to the date of membership.

27 (iv) The attainment of seventy years of age.

28 (b) The rebuttable presumption in this subparagraph does
29 not apply if more than twenty years have occurred since the
30 last day of performing hazardous duty.

31 Sec. 4. Section 411.6, subsection 9, paragraph a,
32 subparagraph (2), subparagraph division (b), Code 2024, is
33 amended to read as follows:

34 (b) Disease under **this subsection** shall ~~also~~ mean ~~cancer~~
35 ~~or~~ infectious disease and shall be presumed to have been

1 contracted while on active duty as a result of that duty.

2 Sec. 5. Section 411.6, subsection 9, paragraph a,
3 subparagraph (2), Code 2024, is amended by adding the following
4 new subparagraph division:

5 NEW SUBPARAGRAPH DIVISION. (c) Disease under this
6 subsection shall also mean cancer and shall be presumed to have
7 been contracted while on active duty as a result of that duty
8 if the active duty included at least six years of performing
9 hazardous duty.

10 (i) The presumption in this subparagraph division is
11 rebuttable if there is evidence of any of the following:

12 (A) Sufficient exposure to tobacco products or other
13 carcinogen that presents an extremely high risk for the
14 development of cancer that occurred outside the scope of active
15 duty.

16 (B) No known sufficient exposure to a carcinogen.

17 (C) The cancer occurring prior to the date of membership.

18 (D) The attainment of seventy years of age.

19 (ii) The rebuttable presumption in this subparagraph
20 division does not apply if more than twenty years have occurred
21 since the last day of performing hazardous duty.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill concerns presumptions relating to the occurrence
26 of cancers for purposes of providing accidental disability and
27 accidental death benefits under the municipal fire and police
28 retirement system (411 system).

29 Under current law, if a member incurs a cancer diagnosis of
30 one of the cancers defined in Code section 411.1, the cancer
31 is presumed to have been contracted while on active duty as a
32 result of that duty. The bill modifies the cancer presumption
33 by requiring the cancer presumption to include at least six
34 years of performing hazardous duty.

35 The bill makes the new cancer hazardous duty presumption

1 rebuttable if there is evidence of sufficient exposure to
2 tobacco products or other carcinogens, there is no known
3 sufficient exposure to a carcinogen, the cancer occurred prior
4 to the date of membership in the 411 system, or the attainment
5 of 70 years of age.

6 The new cancer hazardous duty presumption described in the
7 bill does not apply if more than 20 years have occurred since
8 the last day of performing hazardous duty.

9 The bill defines "carcinogen" to mean an agent classified by
10 the international agency for research on cancer as a group 1
11 or group 2A carcinogen.

12 The bill defines "hazardous duty" to mean the same as defined
13 in 5 C.F.R. §550.902, as amended.