Workers' Compensation Division
Department of Consumer and Business Services

MEMORANDUM

Date: October 20, 2026

To: Matt West, Administrator, WCD

From: Taylor Bickel, Policy Analyst, WCD

Subject: Firefighter Cancer Presumptive Laws – State by State Comparison

The International Association of Fire Fighters (IAFF) categorizes 15 states as providing broad presumptions for firefighter cancer claims.[1] These states generally apply the presumption broadly, for example, to cancers linked with exposure to known carcinogens as defined by IARC; cancers linked to heat, smoke, or radiation exposure; or in some cases, to all cancers. This review compares the type of cancer that falls under the presumption, the delivery model for benefits, rebuttal standard, and other key conditions of these states' presumption laws.

Of these 15 states, six have presumptions within the workers' compensation statute and deliver benefits through the workers' compensation system. Three states deliver benefits as a service-connected disability or occupational-disease pension within the retirement system. Three states have stand-alone statutory benefits or mandated insurance, and three states deliver benefits through more than one channel.

A presumption is generally rebuttable and may be overcome by evidence to the contrary. The states reviewed had varying standards to rebut the presumption that a firefighter's cancer is an occupational disease.

Many states place limitations on the applicability of a presumption. These restrictions may include the following:

- **Service requirements:** minimum years of service needed to qualify for the presumption

[1] International Association of Fire Fighters, *Firefighter Cancer Presumptive Laws,* retrieved from: https://www.oregon.gov/DCBS/mlac/Documents/2026/20260806/osffc-fact-sheet.pdf (2026).

- **Time limitations:** a specified amount of time after retirement or separation during which the presumption would apply to a claim
- **Age restrictions:** in some states, a firefighter does not qualify for the presumption if diagnosed with cancer after a certain age
- **Health Evaluations:** many states require a pre-employment exam showing no evidence of cancer
- **Tobacco provisions:** in some states, tobacco use within a specified period before diagnosis voids the presumption

Table 1 compares the 15 states with broad presumptive cancer coverage. It outlines the cancers included under the presumption, the benefit delivery mode, rebuttal standard, key conditions or limitations, and the relevant statutory citations. This review includes cancer presumptions only and reflects criteria for full-time firefighters.

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Table 1. Firefighter Cancer Presumption Characteristics by State

State	Statutory Citations	Included Cancers	Delivery Model	Rebuttal Standard	Additional Limitations/Key Conditions
Alabama	Ala. Code §11-43-144; Ala. Code §36-30-41	Exposed to a known carcinogen reasonably linked to the disabling cancer	GP (Mandated Insurance)	Preponderance of the evidence that the condition was caused by other means	Service-length requirements
California	Cal. Lab. Code §§3212–3212.1; Cal. Gov. Code §§31720–31720.6	Exposed to a known carcinogen recognized by IARC or Director of the Dept. of Industrial Relations	WC and RS	Evidence that the primary site of the cancer has been established and the carcinogen is not reasonably linked	Service-length requirement; Eligible for specified period after employment ends
Illinois	820 ILCS 305/6; 40 ILCS 5/4	Type of cancer that may be caused by heat, radiation, known carcinogen as defined by IARC	WC and RS	Employer may present evidence to rebut the claim	Service-length requirements; Entry physical exam
Indiana	IC 36-8-8; IC 5-10-15	Cancer caused by exposure to a known carcinogen recognized by IARC or NIOSH	GP and RS	Rebuttable by competent evidence	Tobacco provision; Eligible for specified period after employment ends
Kansas	K.S.A. §74-4951 et seq.	Cancer that may, in general, result from exposure to heat, radiation, or known carcinogen	RS	If the retirement system receives evidence to the contrary of the presumption, the member must present evidence that the disability was service-connected	Service-length requirements; Eligible for specified period after employment ends

Minnesota	Minn. Stat. §176.011 subd.15	Exposure to heat, radiation, or known or suspect carcinogen, as defined by IARC, that is reasonably linked to the disabling cancer	WC	Rebuttable by substantial factors	Entry physical exam
New Hampshire	NH RSA 281-A:17	Prima facie presumption that a firefighter's cancer is occupational	WC	Burden shifts to insurer to show cancer is not occupational	Tobacco provision; Service-length requirements; Entry physical exam; Employer must institute a policy that follows specific standards for use and cleaning of equipment
New Jersey	N.J.S.A. 34:15-31.8	Cancer caused by exposure to heat, radiation, or known or suspected carcinogen as defined by IARC	WC	Preponderance of the evidence	Service-length requirements; age restrictions
North Dakota	N.D.C.C. 65-01-15 / 15.1	Cancer due to exposure to smoke, fumes, carcinogenic, poisonous, toxic, or chemical substances	GP (WSI state-fund delivered)	Clear and convincing evidence	Tobacco provision; Service-length requirement, Entry physical exam; Eligible for specified period after employment end
Ohio	R.C. §4123.68	Exposed to IARC Group 1 or 2A carcinogen	WC	Preponderance the of evidence	Service-length requirement; Tobacco provision; Eligible for specified period after employment ends; Age restrictions
Oklahoma	Okla. Stat. tit. 11 §49-110	Any cancer not revealed by entry physical exam	RS	Rebuttable by competent evidence	Entry physical exam

Pennsylvania	77 P.S. §414 (Act 46)	Cancer caused by exposure to IARC Group 1 carcinogen	WC	Substantial competent evidence	Service-length requirements; Entry physical exam; Eligible for specified period after employment ends
Rhode Island	R.I. Gen. Laws §45-19.1	Any cancer type is conclusively presumed to be occupational	GP	Presumption void for firefighters hired after 7/22/20 if the cancer pre-existed, the firefighter had completed less than 2 years of employment, the firefighter regularly or habitually used tobacco during the 5 years prior to diagnosis	Stand-alone occupational cancer statute; Service-length requirement, Entry physical exam, Tobacco provision
South Dakota	SDCL §9-16-3.3	Any cancer-related impairment causing disability	RS	Does not apply if entry exam revealed evidence of cancer	Entry physical exam
Wyoming	Wyo. Stat. §27-14; §27-15	Cancer, lymphoma, or leukemia caused by exposure to heat, smoke, radiation, or known or suspected carcinogen defined by the IARC	WC	Preponderance of the evidence	Service-length requirement, Entry physical exam; Tobacco provision; Eligible for specified period after employment ends

Source: Workers' Compensation Division, Department of Consumer and Business Services

Legend:

Workers' Compensation (WC): Presumption sits in the WC statute

Retirement/Pension System (RS): Delivered as a service-connected disability/occupational-disease pension

General Provision (GP): stand-alone statutory benefit or mandated insurance

Blend: A state may deliver through more than one channel