
OLR Bill Analysis

SB 937

AN ACT PROVIDING WORKERS' COMPENSATION BENEFITS FOR CERTAIN CANCERS IN FIREFIGHTERS.

SUMMARY

This bill creates a rebuttable presumption in workers' compensation law that firefighting performed by uniformed paid municipal and volunteer firefighters causes numerous types of cancer. It makes those with the disease eligible for workers' compensation benefits unless the presumption is rebutted with clear and convincing evidence that the firefighter does not meet the bill's criteria.

As with any workers' compensation claim, to qualify for benefits, the disease must result in death or the temporary or permanent total or partial disability of the employee.

The bill also permits retired firefighters to apply for the benefits within five years of their retirement.

Workers' compensation law is separate from the existing Firefighter Cancer Relief Program, which is unchanged by the bill (see BACKGROUND).

EFFECTIVE DATE: October 1, 2023

PRESUMPTION AND ELIGIBLE TYPES OF CANCER

The bill creates a presumption that the cancer diagnosis of paid municipal or volunteer firefighters "arose out of and in the course of employment as a result of exposure particular to the duties performed as a firefighter." This presumption applies to any condition of cancer affecting the brain, skin, or any of the following systems: skeletal, digestive, endocrine, respiratory, lymphatic, reproductive, urinary, or hematological.

GROUNDINGS TO REBUT THE PRESUMPTION

Under the bill, the presumption may be rebutted by clear and convincing evidence that:

1. upon entry into service, a physical examination of the firefighter revealed evidence of the claimed cancer;
2. the firefighter failed to submit to annual physical examinations after entry into service;
3. subsequent physical examinations revealed evidence of, or a propensity for, the claimed cancer;
4. the firefighter used cigarettes or other tobacco products, as defined in state law, during the 15-year period before the cancer diagnosis;
5. when the cancer was diagnosed, or should have been diagnosed, the firefighter was employed for less than five years as (a) an interior structural firefighter at a municipal, state, or volunteer fire department or (b) a local fire marshal, deputy fire marshal, fire investigator, fire inspector, or other class of inspector or investigator meeting the minimum state qualification standards;
6. the firefighter failed to use respiratory protection or other personal protective equipment as described in federal OSHA regulations (29 C.F.R. 1910.134); or
7. the claimed cancer is not known to result from exposure to heat, radiation, or a known carcinogen as determined by the International Agency for Research on Cancer or the federal Department of Health and Human Services' National Toxicology Program.

RETIRED FIREFIGHTERS

The bill specifies that anyone no longer actively employed or serving as a firefighter who would otherwise qualify for benefits under the bill can apply for benefits within five years after the person was employed

or last served as a firefighter.

BACKGROUND

Firefighter Cancer Relief Program

Under the Firefighter Cancer Relief Program, firefighters diagnosed with cancer may qualify for wage replacement benefits if they meet program criteria. The relief program law specifies that (1) an award from the fund does not create a presumption that the cancer is due to working as a firefighter and (2) a firefighter cannot simultaneously receive wage replacement benefits from the fund and from workers' compensation. It further states that receiving benefits from the relief fund does not prohibit a firefighter from being awarded workers' compensations benefits.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 8 Nay 3 (02/28/2023)