



General Assembly

January Session, 2023

Raised Bill No. 937

LCO No. 3275



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-294j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) For the purpose of adjudication of claims for payment of benefits
4 under the provisions of this chapter, a uniformed member of a paid
5 municipal or volunteer fire department, a regular member of a paid
6 municipal police department, a constable, as defined in section 31-294i,
7 or a member of a volunteer ambulance service shall be eligible for such
8 benefits for any disease arising out of and in the course of employment,
9 including, but not limited to, hepatitis, meningococcal meningitis,
10 tuberculosis, Kahler's Disease, non-Hodgkin's lymphoma, and prostate
11 or testicular cancer that results in death or temporary or permanent total
12 or partial disability.

13 (b) For purposes of this section, there shall be a rebuttable
14 presumption that the diagnosis of cancer of a uniformed member of a
15 paid municipal or volunteer fire department arose out of and in the

16 course of employment as a result of exposure particular to the duties
17 performed as a firefighter. Such presumption applies to any condition
18 of cancer affecting the brain, skin, skeletal system, digestive system,
19 endocrine system, respiratory system, lymphatic system, reproductive
20 system, urinary system or hematological system that results in the death
21 or temporary or permanent total or partial disability of such firefighter.
22 Such presumption may be rebutted by clear and convincing evidence
23 that:

24 (1) Upon entry into service, a physical examination of such firefighter
25 revealed evidence of the claimed cancer;

26 (2) Such firefighter failed to submit to annual physical examinations
27 subsequent to entry into service;

28 (3) Subsequent physical examinations of such firefighter revealed
29 evidence of, or a propensity for, the claimed cancer;

30 (4) Such firefighter used cigarettes, as defined in section 12-285, or
31 any other tobacco products, as defined in section 12-330a, during the
32 fifteen-year period prior to the diagnosis of the claimed cancer;

33 (5) At the time the claimed cancer is diagnosed or should have been
34 diagnosed, such firefighter was employed for less than five years as:

35 (A) An interior structural firefighter at a municipal, state or volunteer
36 fire department; or

37 (B) A local fire marshal, deputy fire marshal, fire investigator, fire
38 inspector or such other class of inspectors or investigator meeting the
39 minimum standards of qualification adopted pursuant to section 29-298;

40 (6) Such firefighter failed to used respiratory protection, as described
41 in 29 CFR 1910.134 of the Occupational Safety and Health Standards, or
42 other personal protective equipment, as described in 29 CFR 1910.134 of
43 the Occupational Safety and Health Standards in the course of such
44 employment; or

45 (7) Such claimed cancer is not known to result from the exposure to
46 heat, radiation or a known carcinogen as determined by the
47 International Agency for Research on Cancer or the National Toxicology
48 Program of the United States Department of Health and Human
49 Services.

50 (c) Any individual who is no longer actively employed or serving as
51 a firefighter and who would otherwise qualify for benefits under this
52 section may apply for benefits under the provisions of this chapter not
53 later than five years after the date such individual was employed or last
54 served as a firefighter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	31-294j

Statement of Purpose:

To create a rebuttable presumption that a firefighter's diagnosis of cancer arose out of and in the course of employment for purposes of workers' compensation.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]