



House of Representatives

General Assembly

File No. 3

February Session, 2016

Substitute House Bill No. 5075

House of Representatives, March 3, 2016

The Committee on Labor and Public Employees reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DISABILITY INSURANCE COVERAGE FOR UNIFORMED MEMBERS OF FIRE DEPARTMENTS WHO ARE OTHERWISE INELIGIBLE FOR WORKERS' COMPENSATION BENEFITS FOR CERTAIN TYPES OF CANCER.

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 Section 31-294j of the general statutes is repealed and the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, 2016*):

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
9 employment, including, but not limited to, hepatitis, meningococcal
10 meningitis, tuberculosis, Kahler's Disease, non-Hodgkin's lymphoma,
11 and prostate or testicular cancer that results in death or temporary or

12 permanent total or partial disability.

13 (b) (1) Notwithstanding the provisions of subsection (a) of this
14 section, on and after the date that the state establishes a firefighters'
15 cancer benefit program pursuant to section 3 of this act, a uniformed
16 member of a paid municipal or volunteer fire department shall be
17 eligible for benefits under such cancer benefit program for the
18 following types of cancer: Kahler's Disease, non-Hodgkin's lymphoma
19 or any condition of cancer affecting the brain, digestive system,
20 endocrine system or urinary system that results in the death or
21 temporary or permanent total or partial disability of such uniformed
22 member, provided (A) such uniformed member successfully passed a
23 physical examination upon entry into such service that failed to reveal
24 any evidence of such cancer or a propensity for such cancer, (B) such
25 uniformed member has submitted to annual physical examinations
26 subsequent to entry into such service that have failed to reveal any
27 evidence of such cancer or a propensity for such cancer, (C) such
28 uniformed member has never been a smoker and has not used any
29 cigarettes, as defined in section 12-285, or any other tobacco products,
30 as defined in section 12-330a, (D) such uniformed member has worked
31 for not less than five consecutive years after the effective date of this
32 section as a certified interior structural firefighter at a municipal or
33 volunteer fire department at the time such cancer is discovered, or
34 should have been discovered, and (E) such cancer is one that is known
35 to result from exposure to heat, radiation or a known or suspected
36 carcinogen as determined by the International Agency for Research on
37 Cancer or the National Toxicology Program of the United States
38 Department of Health and Human Services.

39 (2) Any uniformed member of a paid municipal or volunteer fire
40 department applying for benefits pursuant to subdivision (1) of this
41 subsection shall be required to submit to annual physical examinations
42 as a condition of receiving such benefits.

43 Sec. 2. Section 29-303 of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective October 1, 2016*):

45 The fire chief or local fire marshal with jurisdiction over a town,
 46 city, borough or fire district where a fire, explosion or other fire
 47 emergency occurs shall furnish the State Fire Marshal a report [of] that
 48 shall include (1) all the facts relating to its cause, its origin, the kind,
 49 the estimated value and ownership of the property damaged or
 50 destroyed, (2) the name of each certified interior structural firefighter
 51 at a municipal or volunteer fire department who was (A) present at
 52 such fire, explosion or other fire emergency, and (B) exposed to heat,
 53 radiation or a known or suspected carcinogen as a result of such fire,
 54 explosion or other fire emergency, including the duration of each such
 55 firefighters' exposure, and (3) such other information as called for by
 56 the State Fire Marshal on forms furnished by the State Fire Marshal, or
 57 in an electronic format prescribed by the State Fire Marshal. The fire
 58 chief or fire marshal may also submit reports regarding other
 59 significant fire department response to such fire or explosion, and such
 60 reports may be filed monthly but commencing January 1, 2008, such
 61 reports shall be filed not less than quarterly.

62 Sec. 3. (NEW) (*Effective from passage*) Not later than January 1, 2017,
 63 the state shall establish a firefighters' cancer benefit program. Through
 64 such program, the state shall procure a disability insurance policy to
 65 provide benefits, in accordance with the provisions of subsection (b) of
 66 section 31-294j of the general statutes, as amended by this act, to
 67 certain uniformed members of paid municipal or volunteer fire
 68 departments who suffer from certain conditions of cancer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	31-294j
Sec. 2	<i>October 1, 2016</i>	29-303
Sec. 3	<i>from passage</i>	New section

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
The State	Potential Cost	See Below	See Below

Municipal Impact:

Municipalities	Effect	FY 17 \$	FY 18 \$
All Municipalities	Potential Cost	See Below	See Below

Explanation

The bill may result in a cost to the state, if the state is able to provide the disability insurance policy required by the bill. It is uncertain if the state has the authority to provide such policy, as the state is not the firefighters' employer. In addition, participation in the program for eligible members is voluntary. The average annual premium for a group disability policy in 2013 was \$226 per life.¹ This average premium may be understated for the population covered by the bill. There are approximately 26,650 firefighters, 22,225 (83%) are volunteers and 4,425 (17%) are career firefighters.² If 50% of the career firefighters chose to participate, with 100% of premiums paid by the program, the annualized cost would be approximately \$500,025. It is uncertain if any volunteer firefighters would participate in the program as disability insurance provides wage replacement only and it is not specified what would be considered wages for this group.

¹U.S. Group Disability and Group Term Life Market Survey. (2013) Source: <http://media.genre.com/documents/surveylhgdgtmarketsum1404-en.pdf>

²Source: Connecticut State Fire Fighters' Association, members as of 2014.

The bill does not specify (1) the terms of the policy (e.g. benefit duration or percentage of wage replacement), (2) what if any other benefits the program may provide, (3) which state agency will administer the program, and (4) who will cover the cost of the premiums or administration of the program. The costs to the state may be mitigated depending on who bears the cost of the premiums and any administrative expenses. There may be a cost to municipalities depending on how the program is implemented and who is responsible for the premiums.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to changes in premiums charged for the program, any increases in administrative expenses, and changes in number of participants.

OLR Bill Analysis**sHB 5075*****AN ACT CONCERNING DISABILITY INSURANCE COVERAGE FOR UNIFORMED MEMBERS OF FIRE DEPARTMENTS WHO ARE OTHERWISE INELIGIBLE FOR WORKERS' COMPENSATION BENEFITS FOR CERTAIN TYPES OF CANCER.*****SUMMARY:**

This bill requires the state, by January 1, 2017, to establish a firefighters' cancer benefit program that procures a disability insurance policy to provide benefits for firefighters with certain cancers. It also establishes various eligibility requirements for firefighters to receive benefits under the program. The bill does not specify (1) what type of benefits the program or policy must provide (e.g., medical or wage replacement benefits), (2) the benefit rate (100% reimbursement or some lesser amount), (3) the benefit's duration, or (4) which state agency must administer the program.

The bill also expands a reporting requirement for fire chiefs and local fire marshals to include certain information about the firefighters present at each fire, explosion, or other fire emergency and their exposure to heat, radiation, and carcinogens.

EFFECTIVE DATE: The requirement for the state to establish a cancer benefit program and procure a disability insurance policy is effective upon passage. The provisions on eligibility and reporting requirements are effective October 1, 2016.

ELIGIBILITY

The bill makes uniformed members of paid municipal or volunteer fire departments eligible for the program's benefits if:

1. their death or disability (temporary or permanent, total or partial) was caused by Kohler's Disease, non-Hodgkin's

- lymphoma, or any cancer condition affecting their brain or digestive, endocrine, or urinary systems;
2. they passed a physical exam when they began serving, and in each subsequent year, that did not reveal any evidence of or propensity for cancer;
 3. they never smoked or used any cigarettes or other tobacco products as defined in law;
 4. they worked for at least five consecutive years after October 1, 2016, as a certified interior structural firefighter at a municipal or volunteer fire department at the time the cancer was discovered or should have been discovered (i.e., no firefighters will be eligible for benefits until October 1, 2021); and
 5. the cancer is a type known to result from exposure to heat, radiation, or a known or suspected carcinogen, as determined by the International Agency for Research on Cancer or the National Toxicology Program of the U.S. Department of Health and Human Services.

The bill also requires firefighters receiving benefits to have annual physical exams.

FIRE CHIEF REPORTING REQUIREMENTS

The law requires fire chiefs or local fire marshals to submit quarterly reports to the state fire marshal with certain information on each fire, explosion, or other fire emergency (“fire”) in their jurisdiction. The bill requires these reports to include the (1) name of each certified interior structural firefighter in a municipal or volunteer fire department who was present at each fire and exposed to the fire’s heat, radiation, or a known or suspected carcinogen and (2) duration of each firefighter’s exposure.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 13 Nay 0 (02/23/2016)