



**House Bill No. 5262**

**Public Act No. 16-10**

**AN ACT ESTABLISHING A FIREFIGHTERS CANCER RELIEF PROGRAM.**

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

Section 1. Section 16-256g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective February 1, 2017*):

(a) By June first of each year, the Public Utilities Regulatory Authority shall conduct a proceeding to determine the amount of the monthly fee to be assessed against each subscriber of: (1) Local telephone service, (2) commercial mobile radio service, as defined in 47 CFR Section 20.3, and (3) voice over Internet protocol service, as defined in section 28-30b, to fund the development and administration of the enhanced emergency 9-1-1 program and the firefighters cancer relief program established pursuant to section 5 of this act. The authority shall base such fee on the findings of the Commissioner of Emergency Services and Public Protection, pursuant to subsection (c) of section 28-24, taking into consideration any existing moneys available in the Enhanced 9-1-1 Telecommunications Fund. The authority shall consider the progressive wire line inclusion schedule contained in the final report of the task force to study enhanced 9-1-1 telecommunications services established by public act 95-318. The authority shall not approve any fee (A) greater than seventy-five cents

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per month per access line, (B) that does not include the progressive wire line inclusion schedule, or (C) for commercial mobile radio service, as defined in 47 CFR Section 20.3 that includes the progressive wire line inclusion schedule.

(b) Each telephone or telecommunications company providing local telephone service, each provider of commercial mobile radio service and each provider of voice over Internet protocol service shall assess against each subscriber, the fee established by the authority pursuant to subsection (a) of this section, which shall be remitted to the office of the State Treasurer for deposit into the Enhanced 9-1-1 Telecommunications Fund established pursuant to section 28-30a, not later than the fifteenth day of each month. To the extent permitted by federal law, on and after February 1, 2017, and not later than the fifteenth day of each month thereafter, an amount equal to one cent per month per access line shall be remitted from the fees imposed under this section to the office of the State Treasurer for deposit in the firefighters cancer relief account established pursuant to section 3 of this act.

(c) The fee imposed under this section shall not apply to any prepaid wireless telecommunications service, as defined in section 28-30b.

Sec. 2. (NEW) (*Effective February 1, 2017*) For purposes of this section, sections 3 to 6, inclusive, of this act and sections 29-303 and 3-123 of the general statutes, as amended by this act, "firefighter" shall include any (1) local fire marshal, deputy fire marshal, fire investigator, fire inspector and such other classes of inspectors and investigators for whom the State Fire Marshal and the Codes and Standards Committee, acting jointly, have adopted minimum standards of qualification pursuant to section 29-298 of the general statutes; and (2) uniformed member of a paid municipal, state or volunteer fire department.

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Sec. 3. (NEW) (*Effective February 1, 2017*) (a) There is established an account to be known as the "firefighters cancer relief account" which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account, including any moneys deposited pursuant to section 16-256g of the general statutes, as amended by this act. Moneys in the account shall be expended by the cancer relief subcommittee of the Connecticut State Firefighters Association, established pursuant to section 4 of this act, for the purposes of providing wage replacement benefits to firefighters who are diagnosed with a condition of cancer described in section 5 of this act.

(b) The State Treasurer shall invest the moneys deposited in the firefighters cancer relief account in a manner reasonable and appropriate to achieve the objectives of such account, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The State Treasurer shall give due consideration to rate of return, risk, term or maturity, diversification of the total portfolio within such account, liquidity, the projected disbursements and expenditures, and the expected payments, deposits, contributions and gifts to be received. The moneys in such account shall be continuously invested and reinvested in a manner consistent with the objectives of such account until disbursed in accordance with section 3-123 of the general statutes, as amended by this act, and section 4 of this act.

(c) The moneys in the firefighters cancer relief account shall be used solely for the purposes of providing wage replacement benefits to firefighters who are diagnosed with a condition of cancer described in section 5 of this act and to fund the expenses of administering the firefighters cancer relief program established pursuant to section 5 of this act.

Sec. 4. (NEW) (*Effective February 1, 2017*) (a) There is established a

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firefighters cancer relief subcommittee of the Connecticut State Firefighters Association that shall consist of one member from the Connecticut State Firefighters Association, one member from the Connecticut Fire Chiefs Association, one member from the Uniformed Professional Firefighters of the International Association of Firefighters, one member from the Connecticut Fire Marshals Association, and one member from the Connecticut Conference of Municipalities. Such subcommittee shall review claims for wage replacement benefits submitted to the firefighters cancer relief program established pursuant to section 5 of this act and provide wage replacement benefits, in accordance with the provisions of subsection (b) of section 3-123 of the general statutes, as amended by this act, to any firefighter who the subcommittee determines is eligible for such wage replacement benefits pursuant to the provisions of section 5 of this act. The subcommittee may determine the weekly wage replacement benefits provided to a firefighter in accordance with the provisions of chapters 104 and 568 of the general statutes.

(b) A firefighter who is approved for wage replacement benefits by the subcommittee pursuant to subsection (a) of this section shall be eligible for such benefits on and after July 1, 2019, and for a period determined by the subcommittee, provided such period shall not exceed twenty-four months. The maximum weekly wage replacement benefit under this section shall be determined by the subcommittee, provided such maximum weekly wage replacement benefit shall not exceed one hundred per cent, raised to the next even dollar, of the average weekly earnings of all workers in the state for the year in which the condition of cancer was diagnosed. The average weekly earnings of all workers in the state shall be determined by the Labor Commissioner on or before the fifteenth day of August of each year, to be effective the following October first, and shall be the average of all workers' weekly earnings for the year ending the previous June thirtieth and shall be so determined in accordance with the standards

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for the determination of average weekly earnings of all workers established by the United States Department of Labor, Bureau of Labor Statistics.

(c) A firefighter may receive wage replacement benefits under this section concurrently with any employer-provided employment benefits, provided the total compensation of such firefighter during such period of receiving benefits under this section shall not exceed such firefighter's pay rate at the time such firefighter was diagnosed with a condition of cancer described in section 4 of this act.

(d) No firefighter shall receive compensation under this section concurrently with the provisions of chapter 567 or 568 of the general statutes or any other municipal, state or federal program that provides wage replacement benefits.

(e) No approval of wage replacement benefits for a firefighter by the subcommittee pursuant to subsection (a) of this section shall be used as evidence, proof or an acknowledgement of liability or causation in any proceeding under chapter 568 of the general statutes.

(f) Notwithstanding any other provision of the general statutes, any employer who provides accident and health insurance or life insurance coverage for a firefighter or makes payments or contributions at the regular hourly or weekly rate for the firefighter to an employee welfare plan, shall provide to the firefighter equivalent insurance coverage or welfare plan payments or contributions while the firefighter is eligible to receive or is receiving wage replacement compensation under this section. As used in this section, "employee welfare plan" means any plan established or maintained for such firefighter or such firefighter's family or dependents, or for both, for medical, surgical or hospital care benefits.

(g) The State Treasurer shall remit wage replacement benefits that

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are approved by the subcommittee from the firefighters cancer relief account established pursuant to section 3 of this act not later than thirty days after such benefits have been approved.

Sec. 5. (NEW) (*Effective February 1, 2017*) (a) There is established a firefighters cancer relief program, the purpose of which is to provide wage replacement benefits to firefighters who are diagnosed with certain conditions of cancer as a result of their service as firefighters.

(b) A firefighter shall be eligible for wage replacement benefits for any condition of cancer affecting the brain, skin, skeletal system, digestive system, endocrine system, respiratory system, lymphatic system, reproductive system, urinary system or hematological system that results in death, or temporary or permanent total or partial disability, provided (1) such firefighter successfully passed a physical examination upon entry into such service, or subsequent to entry, as the case may be, that failed to reveal any evidence of such cancer, (2) such firefighter has submitted to annual physical examinations subsequent to entry into such service that have failed to reveal any evidence of such cancer or a propensity for such cancer, (3) such firefighter has not used any cigarettes, as defined in section 12-285 of the general statutes, or any other tobacco products, as defined in section 12-330a of the general statutes, within fifteen years of applying for wage replacement benefits pursuant to subsection (b) or (c) of this section, (4) such firefighter has worked for not less than five years on or after the effective date of this section as (A) an interior structural firefighter at a paid municipal, state or volunteer fire department, or (B) a local fire marshal, deputy fire marshal, fire investigator, fire inspector or such other class of inspector or investigator for whom the State Fire Marshal and the Codes and Standards Committee, acting jointly, have adopted minimum standards of qualification pursuant to section 29-298 of the general statutes, at the time such cancer is discovered, or should have been discovered, (5) such firefighter has

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complied with the federal Occupational Safety and Health Act standards adopted pursuant to 29 CFR 1910.134 and 29 CFR 1910.156 for a period of not less than five consecutive years, and (6) such cancer is one that is known to result from exposure to heat, radiation or a known carcinogen as determined by the International Agency for Research on Cancer or the National Toxicology Program of the United States Department of Health and Human Services. For purposes of this subsection, "interior structural firefighter" means an individual who performs fire suppression, rescue or both, inside of buildings or enclosed structures that are involved in a fire situation beyond the incipient stage, as defined in 29 CFR 1910.155.

(c) Any individual who is no longer actively serving as a firefighter but who otherwise would be eligible for wage replacement benefits pursuant to the provisions of subsection (b) of this section, may apply for such benefits not more than five years from the date such individual last served as a firefighter.

(d) A firefighter or individual applying for wage replacement benefits pursuant to subsection (b) or (c) of this section shall be required to submit to annual physical examinations, including blood testing, during his or her active service and for a period of five years after the date such individual last served as a firefighter as a condition of receiving such benefits. An individual who no longer serves as a firefighter shall bear the cost of any physical examination required under this subsection.

Sec. 6. (NEW) (*Effective February 1, 2017*) Not later than January 1, 2018, and annually thereafter, the State Treasurer, in consultation with the Connecticut State Firefighters Association, shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to public safety on the status of the firefighters cancer relief account established pursuant to section 3 of

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this act and the firefighters cancer relief program established pursuant to section 5 of this act. Such report shall include (1) the balance of the account, (2) the projected and actual participation in the program, and (3) the demographic information of each firefighter who receives benefits pursuant to such program, including gender, age, town of residence and income level.

Sec. 7. Section 29-303 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective February 1, 2017*):

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

Sec. 8. Section 3-123 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective February 1, 2017*):

(a) Whenever a person, under the provisions of the constitution and bylaws of The Connecticut State Firefighters Association, is entitled to relief from said association, as a firefighter injured in the line of duty, or rendered sick by disease contracted while in the line of duty, or as

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the widow or child of a firefighter killed in the line of duty, the Commissioner of Emergency Services and Public Protection shall, upon the delivery to said commissioner of proper proofs from said association of the right of such person to relief as aforesaid, process payment for such person or persons entitled to such relief, or their legal representative, for the amount to which such person or persons are entitled as relief as aforesaid, provided such orders shall be limited to available appropriations.

(b) Whenever a firefighter, under the provisions of the constitution and bylaws of the Connecticut State Firefighters Association, is entitled to wage replacement benefits from said association pursuant to the firefighters cancer relief program established pursuant to section 5 of this act, the State Treasurer shall, upon the delivery to the State Treasurer of proper proof from said association of the right of such firefighter to wage replacement benefits as aforesaid, process payment for such firefighter entitled to such wage replacement benefits, or their legal representative, for the amount to which such firefighter is entitled as wage replacement benefits as aforesaid, provided such orders shall be limited to available funds contained in the firefighters cancer relief account established pursuant to section 3 of this act.

Approved May 6, 2016