



STATE OF CONNECTICUT
HOUSE OF REPRESENTATIVES
HARTFORD, CONNECTICUT 06106-1591

THEMIS KLARIDES
HOUSE REPUBLICAN LEADER

Testimony Regarding House Bill Number 5262
Labor Committee
February 25, 2016

Chairmen Tercyak and Gomes, Ranking Members Rutigliano and Hwang, and Members of the Labor Committee, thank you for this opportunity to testify on **House Bill Number 5262: An Act Concerning Workers' Compensation Coverage for Current and Former Uniformed Members of Paid or Volunteer Fire Departments.**

Workers compensation coverage is available to firefighters who contract cancer as a result of their job (see C.G.S. 31-294j), but it has been difficult if not impossible for firefighters to prove that such cancer arose out of and in the course of their employment. Consequently, firefighters with cancer seldom qualify for workers compensation benefits which would cover them while undergoing treatment.

Despite the fact that the documentary evidence of a link between cancer and firefighting is inconclusive, there have been proposals in the past to reverse the legal presumption in cases of firefighter's cancer - the cancer would be presumed to have occurred "in the course of employment" and the employer would have the burden of proving that the cancer resulted from something other than firefighting. These proposals have never succeeded due primarily to the difficulty of bearing this evidentiary burden and the possibility that expensive cancer treatments would be covered even if the cancer wasn't in fact job related. When a similar presumption was created for heart & hypertension, it cost cities and towns over \$20 million per year. The legislature reversed that position in 1996.

During last year's legislative session, our caucus participated in negotiations in an attempt to resolve this impasse and provide an opportunity for firefighters who contract cancer to be covered in some way.

The bill before you is part of that continuing effort, but it does not reflect our input into the discussion. House Bill 5262, reintroduced from last year, reverses the existing presumption to allow firefighters to receive workers compensation benefits provided they meet certain conditions. Given our experience with heart & hypertension, this may not be the best approach.

On behalf of many members of my caucus, I proposed a bill - which was incorporated into House Bill 5075 - which offers an alternative solution. It would require the state to establish a firefighter's cancer benefit program and procure a disability insurance policy to provide benefits to firefighters who suffer from certain conditions of cancer. We thank this committee for favorably reporting our bill earlier this week and have attached a copy of the language to the testimony on this bill to make the record complete.

We believe that providing this insurance coverage at no cost to firefighters - both career as well as volunteer firefighters - will give them the support they need during their most important fight. We also believe that it would protect municipalities from the unpredictability of cost inherent in expanding our workers compensation law.

While we don't expect either the bill before you today or our bill to be the final solution, we look forward to continued discussion on how best to support all of our firefighters who do so much to protect all of us.

Sincerely,

A handwritten signature in black ink that reads "Themis Klarides". The signature is written in a cursive, slightly slanted style.

Themis Klarides

**Proposed Substitute
Bill No. 5075**

LCO No. 2075

**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:		
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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