



General Assembly

January Session, 2023

Substitute Bill No. 937



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 Section 31-294j of the general statutes is repealed and the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
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) 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 exposures 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
21 death or temporary or permanent total or partial disability of such
22 firefighter. Such presumption may be rebutted by clear and convincing
23 evidence that:

24 (1) Upon entry into service, a physical examination of such
25 firefighter 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
36 volunteer 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-
40 298;

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

46 (7) Such claimed cancer is not known to result from the exposure to
47 heat, radiation or a known carcinogen as determined by the

48 International Agency for Research on Cancer or the National
49 Toxicology Program of the United States Department of Health and
50 Human Services.

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

In Subsec. (b)(6), "used" was changed to "use", for proper grammar.

LAB *Joint Favorable Subst. -LCO*