



General Assembly

January Session, 2019

Committee Bill No. 6384

LCO No. 5547



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

***AN ACT CONCERNING THE PAYMENT OF INSURANCE
DEDUCTIBLES AND LABORATORY AND DIAGNOSTIC TESTING
FEES FROM THE FIREFIGHTERS CANCER RELIEF PROGRAM.***

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

1 Section 1. Section 7-313h of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) There is established an account to be known as the "firefighters
4 cancer relief account" which shall be a separate, nonlapsing account
5 within the General Fund. The account shall contain any moneys
6 required by law to be deposited in the account. Moneys in the account
7 shall be expended by the cancer relief subcommittee of the Connecticut
8 State Firefighters Association, established pursuant to section 7-313i, as
9 amended by this act, for the purposes of providing wage replacement
10 benefits to firefighters who are diagnosed with a condition of cancer
11 described in section 7-313j, as amended by this act, and reimbursement
12 of insurance deductibles and laboratory and diagnostic testing fees
13 related to such cancer.

14 (b) The State Treasurer shall invest the moneys deposited in the

15 firefighters cancer relief account in a manner reasonable and
16 appropriate to achieve the objectives of such account, exercising the
17 discretion and care of a prudent person in similar circumstances with
18 similar objectives. The State Treasurer shall give due consideration to
19 rate of return, risk, term or maturity, diversification of the total
20 portfolio within such account, liquidity, the projected disbursements
21 and expenditures, and the expected payments, deposits, contributions
22 and gifts to be received. The moneys in such account shall be
23 continuously invested and reinvested in a manner consistent with the
24 objectives of such account until disbursed in accordance with section 3-
25 123, as amended by this act, and section 7-313i, as amended by this act.

26 (c) The moneys in the firefighters cancer relief account shall be used
27 [solely for the purposes of providing] to provide wage replacement
28 benefits to firefighters who are diagnosed with a condition of cancer
29 described in section 7-313j, as amended by this act, to reimburse such
30 firefighters for health insurance deductibles or laboratory and
31 diagnostic testing fees related to such cancer and to fund the expenses
32 of administering the firefighters cancer relief program established
33 pursuant to section 7-313j, as amended by this act.

34 Sec. 2. Section 7-313i of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective July 1, 2019*):

36 (a) There is established a firefighters cancer relief subcommittee of
37 the Connecticut State Firefighters Association that shall consist of one
38 member from the Connecticut State Firefighters Association, one
39 member from the Connecticut Fire Chiefs Association, one member
40 from the Uniformed Professional Firefighters of the International
41 Association of Firefighters, one member from the Connecticut Fire
42 Marshals Association, and one member from the Connecticut
43 Conference of Municipalities. Such subcommittee shall review claims
44 for wage replacement benefits or reimbursement of insurance
45 deductibles or laboratory or diagnostic testing fees submitted to the
46 firefighters cancer relief program established pursuant to section 7-

47 313j, as amended by this act, and provide [wage replacement] such
48 benefits or reimbursement, in accordance with the provisions of
49 subsection (b) of section 3-123, as amended by this act, to any
50 firefighter who the subcommittee determines is eligible for such [wage
51 replacement] benefits or reimbursement pursuant to the provisions of
52 section 7-313j, as amended by this act. The subcommittee may
53 determine the weekly wage replacement benefits provided to a
54 firefighter in accordance with the provisions of this chapter and
55 chapter 568.

56 (b) A firefighter who is approved for wage replacement benefits or
57 reimbursement of insurance deductibles or laboratory or diagnostic
58 testing fees by the subcommittee pursuant to subsection (a) of this
59 section shall be eligible for such benefits or reimbursement on and
60 after July 1, 2019, and for a period determined by the subcommittee,
61 provided such period shall not exceed twenty-four months. The
62 maximum weekly wage replacement benefit under this section shall be
63 determined by the subcommittee, provided such maximum weekly
64 wage replacement benefit shall not exceed one hundred per cent,
65 raised to the next even dollar, of the average weekly earnings of all
66 workers in the state for the year in which the condition of cancer was
67 diagnosed. The average weekly earnings of all workers in the state
68 shall be determined by the Labor Commissioner on or before the
69 fifteenth day of August of each year, to be effective the following
70 October first, and shall be the average of all workers' weekly earnings
71 for the year ending the previous June thirtieth and shall be so
72 determined in accordance with the standards for the determination of
73 average weekly earnings of all workers established by the United
74 States Department of Labor, Bureau of Labor Statistics.

75 (c) A firefighter may receive wage replacement benefits under this
76 section concurrently with any employer-provided employment
77 benefits, provided the total compensation of such firefighter during
78 such period of receiving benefits under this section shall not exceed
79 such firefighter's pay rate at the time such firefighter was diagnosed

80 with a condition of cancer described in section 7-313j, as amended by
81 this act.

82 (d) No firefighter shall receive [compensation] wage replacement
83 benefits under this section concurrently with the provisions of chapter
84 567 or 568 or any other municipal, state or federal program that
85 provides wage replacement benefits.

86 (e) No approval of wage replacement benefits or reimbursement of
87 insurance deductibles or laboratory or diagnostic testing fees for a
88 firefighter by the subcommittee pursuant to subsection (a) of this
89 section shall be used as evidence, proof or an [acknowledgement]
90 acknowledgment of liability or causation in any proceeding under
91 chapter 568.

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

103 (g) The State Treasurer shall remit wage replacement benefits and
104 reimbursement of insurance deductibles or laboratory or diagnostic
105 testing fees that are approved by the subcommittee from the
106 firefighters cancer relief account established pursuant to section 7-
107 313h, as amended by this act, not later than thirty days after such
108 benefits have been approved.

109 Sec. 3. Section 7-313j of the general statutes is repealed and the
110 following is substituted in lieu thereof (*Effective July 1, 2019*):

111 (a) There is established a firefighters cancer relief program, the
112 purpose of which is to provide (1) wage replacement benefits to
113 firefighters who are diagnosed with certain conditions of cancer as a
114 result of their service as firefighters, and (2) reimbursement to such
115 firefighters for insurance deductibles or laboratory or diagnostic
116 testing fees related to such cancer.

117 (b) A firefighter shall be eligible for wage replacement benefits or
118 reimbursement of insurance deductibles or laboratory or diagnostic
119 testing fees for any condition of cancer affecting the brain, skin,
120 skeletal system, digestive system, endocrine system, respiratory
121 system, lymphatic system, reproductive system, urinary system or
122 hematological system that results in death, or temporary or permanent
123 total or partial disability, provided (1) such firefighter successfully
124 passed a physical examination upon entry into such service, or
125 subsequent to entry, as the case may be, that failed to reveal any
126 evidence of such cancer, (2) such firefighter has submitted to annual
127 physical examinations subsequent to entry into such service that have
128 failed to reveal any evidence of such cancer or a propensity for such
129 cancer, (3) such firefighter has not used any cigarettes, as defined in
130 section 12-285, or any other tobacco products, as defined in section 12-
131 330a, within fifteen years of applying for wage replacement benefits or
132 reimbursement of insurance deductibles or laboratory or diagnostic
133 testing fees pursuant to subsection (b) or (c) of this section, (4) such
134 firefighter has worked for not less than five years on or after February
135 1, 2017, as (A) an interior structural firefighter at a paid municipal,
136 state or volunteer fire department, or (B) a local fire marshal, deputy
137 fire marshal, fire investigator, fire inspector or such other class of
138 inspector or investigator for whom the State Fire Marshal and the
139 Codes and Standards Committee, acting jointly, have adopted
140 minimum standards of qualification pursuant to section 29-298, at the
141 time such cancer is discovered, or should have been discovered, (5)
142 such firefighter has complied with the federal Occupational Safety and
143 Health Act standards adopted pursuant to 29 CFR 1910.134 and 29
144 CFR 1910.156 for a period of not less than five consecutive years, and

145 (6) such cancer is one that is known to result from exposure to heat,
146 radiation or a known carcinogen as determined by the International
147 Agency for Research on Cancer or the National Toxicology Program of
148 the United States Department of Health and Human Services. For
149 purposes of this subsection, "interior structural firefighter" means an
150 individual who performs fire suppression, rescue or both, inside of
151 buildings or enclosed structures that are involved in a fire situation
152 beyond the incipient stage, as defined in 29 CFR 1910.155.

153 (c) Any individual who is no longer actively serving as a firefighter
154 but who otherwise would be eligible for wage replacement benefits or
155 reimbursement of insurance deductibles or laboratory or diagnostic
156 testing fees pursuant to [the provisions of] subsection (b) of this section
157 [.] may apply for such benefits not more than five years from the date
158 such individual last served as a firefighter.

159 (d) A firefighter or individual applying for wage replacement
160 benefits or reimbursement of insurance deductibles or laboratory or
161 diagnostic testing fees pursuant to subsection (b) or (c) of this section
162 shall be required to submit to annual physical examinations, including
163 blood testing, during his or her active service and for a period of five
164 years after the date such individual last served as a firefighter as a
165 condition of receiving such benefits or reimbursement. An individual
166 who no longer serves as a firefighter shall bear the cost of any physical
167 examination required under this subsection, except the cost of an
168 insurance deductible or laboratory or diagnostic testing fee approved
169 for reimbursement.

170 Sec. 4. Section 3-123 of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective July 1, 2019*):

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

177 Commissioner of Emergency Services and Public Protection shall,
 178 upon the delivery to said commissioner of proper proofs from said
 179 association of the right of such person to relief as aforesaid, process
 180 payment for such person or persons entitled to such relief, or their
 181 legal representative, for the amount to which such person or persons
 182 are entitled as relief as aforesaid, provided such orders shall be limited
 183 to available appropriations.

184 (b) Whenever a firefighter, under the provisions of the constitution
 185 and bylaws of the Connecticut State Firefighters Association, is entitled
 186 to wage replacement benefits or reimbursement of insurance
 187 deductibles or laboratory or diagnostic testing fees from said
 188 association pursuant to the firefighters cancer relief program
 189 established pursuant to section 7-313j, as amended by this act, the State
 190 Treasurer shall, upon the delivery to the State Treasurer of proper
 191 proof from said association of the right of such firefighter to wage
 192 replacement benefits or reimbursement of insurance deductibles or
 193 laboratory or diagnostic testing fees as aforesaid, process payment for
 194 such firefighter, [entitled to such wage replacement benefits,] or his or
 195 her legal representative, for the amount to which such firefighter is
 196 entitled [as wage replacement benefits] as aforesaid, provided such
 197 orders shall be limited to available funds contained in the firefighters
 198 cancer relief account established pursuant to section 7-313h, as
 199 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	7-313h
Sec. 2	<i>July 1, 2019</i>	7-313i
Sec. 3	<i>July 1, 2019</i>	7-313j
Sec. 4	<i>July 1, 2019</i>	3-123

Statement of Purpose:

To allow the Firefighters Cancer Relief Program to reimburse eligible firefighters for insurance deductibles and laboratory and diagnostic testing fees.

[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.]

Co-Sponsors: REP. COOK, 65th Dist.; REP. MICHEL, 146th Dist.
 REP. CAMILLO, 151st Dist.

H.B. 6384