



# Senate

General Assembly

**File No. 176**

January Session, 2025

Substitute Senate Bill No. 1426

*Senate, March 20, 2025*

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT MAKING CHANGES TO THE FIREFIGHTERS CANCER RELIEF PROGRAM.***

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

1 Section 1. Section 7-313p of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2025*):

3 (a) For purposes of this section:

4 (1) "Firefighter" has the same meaning as provided in section 7-313g;

5 (2) "Compensation" has the same meaning as provided in section 31-  
6 275;

7 (3) "Municipal employer" has the same meaning as provided in  
8 section 7-467; [and]

9 (4) "Interior structural firefighter" means an individual who performs  
10 fire suppression, fire rescue, or both, either inside of buildings or in

11 closed structures that are involved in a fire station beyond the incident  
12 stage;

13 (5) "State employer" means the state of Connecticut, including any  
14 agency or department of the state and any board of trustees of a state-  
15 owned or supported college or university and branches thereof; and

16 (6) "Administrative law judge" has the same meaning as provided in  
17 section 31-275.

18 (b) Notwithstanding the provisions of chapter 568, a firefighter  
19 diagnosed with any condition of cancer affecting the skin, brain, skeletal  
20 system, digestive system, endocrine system, respiratory system,  
21 lymphatic system, reproductive system, urinary system or  
22 hematological system resulting in such firefighter's death or temporary  
23 or permanent total or partial disability, or such firefighter's dependents,  
24 as the case may be, shall receive (1) compensation and benefits from the  
25 account, established pursuant to section 7-313h, in the same amount and  
26 in the same manner that would be provided under chapter 568 if such  
27 death or disability was caused by [a personal injury which] an  
28 occupational disease which arose out of and in the course of such  
29 firefighter's employment and was suffered in the line of duty and within  
30 the scope of such firefighter's employment, and (2) (A) the same  
31 retirement or survivor benefits, from the municipal or state retirement  
32 system under which such firefighter is covered, or (B) the disability  
33 benefits available from the Connecticut State Firefighters Association  
34 pursuant to section 3-123, that would have been paid under such system  
35 if such death or disability was caused by [a personal injury which] an  
36 occupational disease which arose out of and in the course of such  
37 firefighter's employment and was suffered in the line of duty and within  
38 the scope of such firefighter's employment, provided such firefighter  
39 has:

40 (i) Submitted to a physical examination subsequent to such member's  
41 entry into service that failed to reveal any evidence of [or a propensity  
42 for] such cancer;

43 (ii) Has not used cigarettes, as defined in section 12-285, during the  
44 fifteen-year period prior to such diagnosis;

45 (iii) Was employed for at least five years in any combination as (I) an  
46 interior structural firefighter at a paid municipal, state or volunteer fire  
47 department, or (II) a local fire marshal, deputy fire marshal, fire  
48 investigator, fire inspector or such other class of inspectors or  
49 investigators for whom the State Fire Marshal and the Codes and  
50 Standards Committee, acting jointly, have adopted minimum standards  
51 of qualification pursuant to section 29-298; and

52 (iv) Has submitted to annual medical health screenings as  
53 recommended by such firefighter's medical provider.

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

59 (d) To apply for compensation or benefits pursuant to subsections (b)  
60 and (c) of this section, a firefighter shall provide notice to the Workers'  
61 Compensation Commission and [the municipality in which such  
62 firefighter is employed] the municipal employer or state employer of  
63 such firefighter, in the same manner as workers' compensation claims  
64 under chapter 568.

65 (e) (1) The [municipality in which] municipal employer or state  
66 employer that employs the firefighter [is employed] applying for  
67 compensation and benefits shall administer claims submitted pursuant  
68 to subsections (b) and (c) of this section in the same manner as workers'  
69 compensation claims under chapter 568. Such [municipality] municipal  
70 employer or state employer shall (A) pay to the firefighter the  
71 compensation or benefits such firefighter is entitled to, and (B) submit,  
72 in a form and manner provided by the State Treasurer, an application  
73 for reimbursement from the firefighters cancer relief account. Payments  
74 for reimbursement shall be processed not later than forty-five days after

75 such application is received.

76 (2) Any costs associated with a firefighter's treatment of cancer that  
77 are not covered by such firefighter's personal or group health insurance  
78 shall be reimbursed, pursuant to this subsection, by the firefighters  
79 cancer relief account, provided such treatment complies with the  
80 provisions of section 31-294d.

81 (3) If the firefighters cancer relief account becomes insolvent, [a  
82 municipality shall have no obligation] no municipal employer or state  
83 employer shall be obligated to continue providing compensation and  
84 benefits pursuant to subdivision (1) of subsection (b) of this section and  
85 subsection (c) of this section.

86 (f) A firefighter may request that a denial of compensation or benefits  
87 made pursuant to subsection (e) of this section be reconsidered, and an  
88 administrative law judge shall have the authority to adjudicate such  
89 claim in accordance with the provisions of section 31-278, as amended  
90 by this act, in the same manner as workers' compensation claims under  
91 chapter 568.

92 (g) If a physical examination was required by an employer at the time  
93 of the firefighter's employment, as a condition for such employment, or  
94 required annually for means of continued employment, a firefighter  
95 shall not be required to show proof of such examination in the  
96 maintenance of a claim under subsection (b) or (c) of this section or  
97 under such municipal or state retirement system.

98 (h) Any benefits provided under subsection (b) or (c) of this section  
99 shall be offset by any other benefits a firefighter or such firefighter's  
100 dependents may be entitled to receive from such firefighter's municipal  
101 employer or state employer under the provisions of chapter 568 or the  
102 municipal or state retirement system under which they are covered as a  
103 result of any condition or impairment of health caused by occupational  
104 cancer resulting in such firefighter's death or permanent total or partial  
105 disability.

106 (i) The State Treasurer shall have the authority to audit  
107 reimbursements provided by the account pursuant to subsection (e) of  
108 this section.

109 (j) No payment of compensation made under this section shall be  
110 used as evidence in support of any future claim under chapter 568.

111 (k) Except as provided in subsections (l) and (m) of this section, any  
112 firefighter that receives compensation under this section shall be  
113 prohibited from filing a claim under chapter 568 for a diagnosis of  
114 cancer.

115 (l) If the firefighters cancer relief account becomes insolvent, a  
116 firefighter that was receiving compensation under this section may file  
117 a claim under chapter 568, within one year of receiving notice from [the  
118 municipality] such firefighter's municipal employer or state employer  
119 of the firefighters cancer relief account becoming insolvent, for  
120 continuation of compensation.

121 (m) (1) Any [survivors] surviving dependents of a firefighter [that]  
122 who has died from cancer and was receiving compensation [under] or  
123 benefits or has applied for compensation or benefits under this section  
124 may file a claim under chapter 568 within one year of such firefighter's  
125 death. Until such claim is approved, such survivor shall continue to  
126 receive benefits from the firefighters cancer relief account.

127 (2) If the [survivors] surviving dependents of a firefighter [that] who  
128 has died from cancer and was receiving compensation [under] or  
129 benefits or has applied for compensation or benefits under this section  
130 do not file a claim under chapter 568 within one year of such firefighter's  
131 death, such survivors may continue to receive benefits from the  
132 firefighters cancer relief account.

133 Sec. 2. Section 31-278 of the general statutes is repealed and the  
134 following is substituted in lieu thereof (*Effective October 1, 2025*):

135 Each administrative law judge shall, for the purposes of this chapter  
136 and section 7-313p, as amended by this act, have power to summon and

137 examine under oath such witnesses, and may direct the production of,  
138 and examine or cause to be produced or examined, such books, records,  
139 vouchers, memoranda, documents, letters, contracts or other papers in  
140 relation to any matter at issue as he may find proper, and shall have the  
141 same powers in reference thereto as are vested in magistrates taking  
142 depositions and shall have the power to order depositions pursuant to  
143 section 52-148. He shall have power to certify to official acts and shall  
144 have all powers necessary to enable him to perform the duties imposed  
145 upon him by the provisions of this chapter and section 7-313p, as  
146 amended by this act. Each administrative law judge shall hear all claims  
147 and questions arising under this chapter and section 7-313p, as amended  
148 by this act, in the district to which the administrative law judge is  
149 assigned and all such claims shall be filed in the district in which the  
150 claim arises, provided, if it is uncertain in which district a claim arises,  
151 or if a claim arises out of several injuries or occupational diseases which  
152 occurred in one or more districts, the administrative law judge to whom  
153 the first request for hearing is made shall hear and determine such claim  
154 to the same extent as if it arose solely within his own district. If an  
155 administrative law judge is disqualified or temporarily incapacitated  
156 from hearing any matter, or if the parties shall so request and the  
157 chairperson of the Workers' Compensation Commission finds that it  
158 will facilitate a speedier disposition of the claim, he shall designate some  
159 other administrative law judge to hear and decide such matter. The  
160 Superior Court, on application of an administrative law judge or the  
161 chairperson or the Attorney General, may enforce, by appropriate  
162 decree or process, any provision of this chapter, section 7-313p, as  
163 amended by this act, or any proper order of an administrative law judge  
164 or the chairperson rendered pursuant to any such provision. Any  
165 administrative law judge, after ceasing to hold office as such  
166 administrative law judge, may settle and dispose of all matters relating  
167 to appealed cases, including correcting findings and certifying records,  
168 as well as any other unfinished matters pertaining to causes theretofore  
169 tried by him, to the same extent as if he were still such administrative  
170 law judge.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2025	7-313p
Sec. 2	October 1, 2025	31-278

**Statement of Legislative Commissioners:**

In Section 1(d), "municipal or state employer" was changed to "municipal employer or state employer" for clarity and accuracy, and in Section 1(f), "the provisions of" was added before "section 31-278" for consistency with standard drafting conventions.

**LAB**      *Joint Favorable Subst. -LCO*

*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.*

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## **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill, which makes several changes to the Firefighters Cancer Relief Program that expand the program's eligibility criteria, results in no fiscal impact to the state or to municipalities. The program is funded through the Firefighters Cancer Relief Account,<sup>1</sup> and it is expected that the account's current balance and annual deposits will be sufficient to fund any additional claims resulting from this bill.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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<sup>1</sup> The Firefighters Cancer Relief Account is a separate non-lapsing account within the Department of Administrative Services. The account generally receives funds through state appropriations and investment income. In the past three fiscal years (FY), the account received an average of \$617,908 per FY through annual appropriations and investment income (in FY 24, the account also received \$5 million in carry forward funding). In the same period, the account expended an average of \$242,989 per fiscal year. The account's current balance is \$8,124,758.

**OLR Bill Analysis****sSB 1426*****AN ACT MAKING CHANGES TO THE FIREFIGHTERS CANCER RELIEF PROGRAM.*****SUMMARY**

This bill makes various changes to a program that provides workers' compensation-like benefits to firefighters who have certain cancers and meet other criteria. Generally, the program requires an eligible firefighter's employer to pay the benefits and then be reimbursed from the state's firefighters cancer relief account.

Among other things, the bill:

1. expands the types of cancers covered by the program to include skin cancer and makes changes to other eligibility criteria;
2. makes changes to clarify the process for state-employed firefighters to apply for program benefits;
3. requires the program's benefits to be provided in the same way they would be if the firefighter's cancer had been caused by an occupational disease, rather than a personal injury, under the workers' compensation law;
4. authorizes workers' compensation administrative law judges (ALJs) to adjudicate a firefighter's appeal of a denial of benefits from the program; and
5. makes various minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2025

**SKIN CANCER AND OTHER ELIGIBILITY CRITERIA**

By law, firefighters may qualify for the program's benefits if they, among other things, (1) are diagnosed with certain types of cancer, (2) had a physical examination after joining the service, and (3) were employed in certain firefighting positions for at least five years.

The bill expands the types of cancers covered by the program to include skin cancer. Other types of cancer already covered by the program include those affecting the brain or the skeletal, digestive, endocrine, respiratory, lymphatic, reproductive, urinary, or hematological systems. As under existing law, for the person to qualify, the cancer must result in death or temporary or permanent total or partial disability.

For the physical exam requirement, the bill removes a provision that requires a firefighter to have had a physical examination that failed to reveal a propensity for cancer in order to qualify for benefits. As under current law, the exam still must have failed to reveal any evidence of the cancer.

Under current law, a firefighter must have been employed for at least five years in certain firefighting positions (e.g., interior structural firefighter, fire marshal, fire inspector). The bill specifies that this qualifying employment time can include any combination of employment in those positions.

## **STATE-EMPLOYED FIREFIGHTERS**

The law generally allows a state-employed firefighter to qualify for benefits from the program. Current law, however, requires (1) a firefighter to apply for the benefits by notifying the municipality where he or she is employed and (2) that municipality to administer the claim and provides the benefits. The bill instead requires the firefighter to notify his or her municipal or state employer, and that employer to administer the claim and benefits.

Under existing law, a "municipal employer" is any political subdivision of the state, including any town, city, borough, district, district health department, school board, housing authority, or other

authority established by law; a private nonprofit corporation with a valid contract with any town, city, borough, or district to extinguish fires and to protect its inhabitants from loss by fire; and any person or persons designated by the municipal employer to act in its interest in dealing with municipal employees. Under the bill, a “state employer” is Connecticut, including any state agency or department, and any board of trustees of a state-owned or supported college or university and its branches.

The bill also makes related conforming changes.

### **OCCUPATIONAL DISEASE**

Under current law, eligible firefighters must receive the program’s benefits in the same amount and in the same way that they would have been provided under the workers’ compensation law if their death or disability had been caused by a personal injury that arose out of and in the course of their employment. The bill instead requires the death or disability to be treated as if it had been caused by an occupational disease, rather than a personal injury. Generally, under workers’ compensation law, an occupational disease includes any disease peculiar to the employee’s occupation and due to causes that exceed ordinary hazards of employment (CGS § 31-275). Procedurally, the workers’ compensation law allows claimants to apply for benefits within three years after the first manifestation of an occupational disease’s symptom, rather than within one year after a personal injury (CGS § 31-294c).

The bill similarly requires the retirement or survivor benefits, or disability benefits, an eligible firefighter must receive under the program to be treated as if the death or disability had been caused by an occupational disease, rather than a personal injury.

### **WORKERS’ COMPENSATION ALJ APPEALS**

Current law allows a firefighter to request that a denial of compensation or benefits from the program be reconsidered in the same way as workers’ compensation claims. The bill explicitly authorizes

workers' compensation ALJs to adjudicate these appeals and extends their statutory powers and duties to cover these cases. Among other things, this (1) authorizes them to summon and examine witnesses under oath; (2) generally requires the appeal to be filed in the ALJ district where the claim arises; and (3) allows the Superior Court, under certain conditions, to enforce an ALJ's order.

## **OTHER CHANGES**

Under current law, the firefighters' cancer relief account must reimburse any costs for an eligible firefighter's cancer treatments not covered by his or her personal or group health insurance. The bill narrows this requirement to apply only if the treatments comply with the workers' compensation law that generally requires employers to provide reasonable or necessary medical care for injured employees.

Under current law, if a firefighter who was receiving compensation (the workers' compensation-like benefits) from the program dies from cancer, his or her survivors may file a workers' compensation claim within one year after the firefighter's death. Until the claim is approved, the survivors must continue receiving benefits from the firefighters cancer relief account. If they do not file a workers' compensation claim before the one-year deadline they may continue to receive benefits from the account.

The bill (1) limits this option to the firefighter's surviving dependents and (2) also allows it when the firefighter (a) was receiving other benefits under the program (retirement or disability benefits) or (b) had applied for compensation or benefits, but was not yet receiving them.

## **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 12    Nay 1    (03/06/2025)