

Senate Bill 334

By: Senators Albers of the 56th, Robertson of the 29th, Kirkpatrick of the 32nd, Dixon of the 45th, Still of the 48th and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 25-3-23 of the Official Code of Georgia Annotated, relating to
2 minimum requirements, equipment and clothing, and insurance relative to local fire
3 departments generally, so as to revise qualifications for insurance coverage for firefighters
4 diagnosed with cancer; to provide for a short title; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Helping Firefighters Beat Cancer Act."

9 **SECTION 2.**

10 Code Section 25-3-23 of the Official Code of Georgia Annotated, relating to minimum
11 requirements, equipment and clothing, and insurance relative to local fire departments
12 generally, is amended by revising subsection (b) as follows:

13 "(b)(1) A legally organized fire department shall provide and maintain sufficient
14 insurance coverage on each member of the fire department to pay claims for injuries

15 sustained en route to, during, and returning from fire calls or other emergencies and
16 disasters and scheduled training sessions.

17 (2)(A) As used in this paragraph, the term:

18 (i) 'Cancer' means bladder, blood, brain, breast, cervical, esophageal, intestinal,
19 kidney, lymphatic, lung, prostate, ~~rectum~~ rectal, respiratory tract, skin, testicular, and
20 thyroid cancer; leukemia; multiple myeloma; or non-Hodgkin's lymphoma.

21 (ii) 'Firefighter' means a firefighter as defined in Code Section 25-4-2.

22 (iii) 'Volunteer' means a volunteer as defined in Code Section 25-4-2.

23 (B) On and after January 1, 2018, a legally organized fire department shall provide and
24 maintain sufficient insurance coverage on each member of the fire department who is
25 a firefighter to pay claims for cancer diagnosed after having served 12 consecutive
26 months as a firefighter ~~with such fire department~~ in this state. Such insurance benefits
27 shall include at minimum the following:

28 (i)(I) A lump sum benefit of \$25,000.00 subject to limitations specified in the
29 insurance contract and based on severity of cancer and payable to such firefighter
30 upon submission to the insurance carrier or other payor of acceptable proof of
31 diagnosis by a physician who is board certified in the medical specialty appropriate
32 for the type of cancer involved that there are one or more malignant tumors
33 characterized by the uncontrollable and abnormal growth and spread of malignant
34 cells with invasion of normal tissue and that:

35 (a) Surgery, radiotherapy, or chemotherapy is medically necessary;

36 (b) There is metastasis; or

37 (c) The firefighter has terminal cancer, is expected to die within 24 months or less
38 from the date of diagnosis, and will not benefit from, or has exhausted, curative
39 therapy; or

40 (II) A lump sum benefit of \$6,250.00 subject to limitations specified in the
41 insurance contract and based on severity of cancer and payable to such firefighter

42 upon submission to the insurance carrier or other payor of acceptable proof of
43 diagnosis by a physician who is board certified in the medical specialty appropriate
44 for the type of cancer involved that:

45 (a) There is carcinoma in situ such that surgery, radiotherapy, or chemotherapy
46 has been determined to be medically necessary;

47 (b) There are malignant tumors which are treated by endoscopic procedures
48 alone;

49 (c) There are malignant melanomas; or

50 (d) There is a tumor of the prostate, provided that it is treated with radical
51 prostatectomy or external beam therapy; and

52 (ii) Payable as a result of a specific injury or illness to begin six months after
53 disability and submission to the insurance carrier or other payor of acceptable proof
54 of disability precluding service as a firefighter and continuing for up to 36
55 consecutive monthly payments:

56 (I) A monthly benefit equal to 60 percent of the member's monthly salary as an
57 employed firefighter with the fire department or a monthly benefit of \$5,000.00,
58 whichever is less; or

59 (II) If the member is a volunteer, a monthly benefit of \$1,500.00.

60 The benefit under subdivision (I) or (II) of this division, as applicable, shall be
61 subordinate to any other benefit actually paid to the firefighter for such disability from
62 any other source, not including insurance purchased solely by the firefighter, and shall
63 be limited to the difference between the amount of such other paid benefit and the
64 amount specified under subdivision (I) or (II) of this division, as applicable.

65 (C) The combined total of all benefits received by any firefighter under
66 subdivisions (B)(i)(I) and (B)(i)(II) of this paragraph during his or her lifetime shall not
67 exceed \$50,000.00.

68 (D) With the exception of the benefit under subdivision (B)(ii)(I) of this paragraph, any
69 person who was simultaneously a member of more than one fire department at the time
70 of diagnosis shall not be entitled to receive benefits under this paragraph from or on
71 behalf of more than one of such fire departments. In the event a volunteer of one fire
72 department is simultaneously employed by another fire department, the fire department
73 for which such person is a volunteer shall not be required to maintain the coverage on
74 such volunteer otherwise required under this subsection during the period of such
75 employment. Any member who receives benefits under division (ii) of
76 subparagraph (B) of this paragraph may be required to have his or her condition
77 reevaluated; in the event any such reevaluation reveals that such person has regained
78 the ability to perform duties as a firefighter, then his or her benefits under division (ii)
79 of subparagraph (B) of this paragraph shall cease. Benefits under said division shall
80 also cease upon the death of such person. A member who, after at least one year as a
81 firefighter with any legally organized fire department, departs from employment, ceases
82 to be an active volunteer, or retires shall be entitled to continue his or her coverages
83 under this paragraph through a continuation or conversion to individual coverage. The
84 departing member shall be responsible for payment of all premiums.

85 (E) In addition to any other purpose authorized under Chapter 8 of Title 33, county
86 governing authorities and municipal governing authorities may use proceeds from
87 county and municipal taxes imposed under said chapter for purposes of providing
88 insurance pursuant to this paragraph.

89 (F) Funds received as premiums for the coverages specified in this paragraph shall not
90 be subject to premium taxes under Chapter 8 of Title 33.

91 (G) The computation of premium amounts by an insurer for the coverages under this
92 paragraph shall be subject to generally accepted adjustments from insurance
93 underwriting."

94

SECTION 3.

95 All laws and parts of laws in conflict with this Act are repealed.