

FIRST REGULAR SESSION

HOUSE BILL NO. 1120

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WIEMANN.

2298H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 287.245, RSMo, and to enact in lieu thereof two new sections relating to benefits for certain firefighters who contract certain types of cancer as a result of employment.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 287.245, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 287.245 and 320.400, to read as follows:

287.245. 1. As used in this section, the following terms shall mean:

(1) "Association", volunteer fire protection associations as defined in section 320.300;

(2) "State fire marshal", the state fire marshal selected under the provisions of sections 320.200 to 320.270;

(3) **"Voluntary firefighter cancer benefits trust" or "trust", the same meaning as provided in section 320.400;**

(4) "Volunteer firefighter", the same meaning as **provided** in section 287.243.

2. Any association **or voluntary firefighter cancer benefits trust** may apply to the state fire marshal for a grant for the purpose of:

(1) Funding such association's costs related to workers' compensation insurance premiums for volunteer firefighters; **or**

(2) **Establishing a voluntary firefighter cancer benefits trust; provided that, the provisions of this subdivision shall expire on June 30, 2023.**

3. Subject to appropriations, the state fire marshal shall disburse grants to each **[applying] qualifying** volunteer fire protection association according to the following schedule:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (1) Associations which had zero to five volunteer firefighters receive workers'
17 compensation benefits from claims arising out of and in the course of the prevention or control
18 of fire or the underwater recovery of drowning victims in the preceding calendar year shall be
19 eligible for two thousand dollars in grant money;

20 (2) Associations which had six to ten volunteer firefighters receive workers'
21 compensation benefits from claims arising out of and in the course of the prevention or control
22 of fire or the underwater recovery of drowning victims in the preceding calendar year shall be
23 eligible for one thousand five hundred dollars in grant money;

24 (3) Associations which had eleven to fifteen volunteer firefighters receive workers'
25 compensation benefits from claims arising out of and in the course of the prevention or control
26 of fire or the underwater recovery of drowning victims in the preceding calendar year shall be
27 eligible for one thousand dollars in grant money;

28 (4) Associations which had sixteen to twenty volunteer firefighters receive workers'
29 compensation benefits from claims arising out of and in the course of the prevention or control
30 of fire or the underwater recovery of drowning victims in the preceding calendar year shall be
31 eligible for five hundred dollars in grant money.

32 4. Grant money disbursed under this section shall only be used for the purpose of paying
33 for the workers' compensation insurance premiums of volunteer firefighters **or establishing a**
34 **voluntary firefighter cancer benefits trust.**

320.400. 1. For purposes of this section, the following terms mean:

2 (1) **"Covered individual", a person who is employed by an employer as a firefighter**
3 **who:**

4 (a) **Is a paid employee;**

5 (b) **Has been assigned to at least five years of hazardous duty as a firefighter;**

6 (c) **Was exposed to an agent classified by the International Agency for Research on**
7 **Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a**
8 **cancer causing agent by the American Cancer Society, the American Association for**
9 **Cancer Research, the Agency for Healthcare Research and Quality, the American Society**
10 **of Clinical Oncology, the National Institute for Occupational Safety and Health, or the**
11 **United States National Cancer Institute;**

12 (d) **Was last assigned to hazardous duty as a firefighter within the previous fifteen**
13 **years; and**

14 (e) **Is not seventy years of age or older at the time of the diagnosis of cancer;**

15 (2) **"Employer", a municipality or special district that employs one or more**
16 **firefighters;**

17 (3) "Voluntary firefighter cancer benefits trust" or "trust", a self-insured trust
18 described in 8 CSR 50-3.010 that is established for the purposes of this section.

19 2. (1) One or more employers may create a voluntary firefighter cancer benefits
20 trust for the purpose described in this section. An employer may make contributions into
21 the voluntary firefighter cancer benefits trust established for the purpose described in this
22 section. The contribution levels and award levels shall be set by the board of trustees of
23 the trust.

24 (2) For an employer that chooses to make contributions into the voluntary
25 firefighter cancer benefits trust, the trust shall provide the minimum benefits specified by
26 the board of trustees of the trust to covered individuals, based on the award level of the
27 cancer at the time of diagnosis, after the employer becomes a participant.

28 (3) Benefit levels shall be established by the board of trustees of the trust based on
29 the category and stage of the cancer.

30 (4) In addition to an award under subdivision (2) of this subsection:

31 (a) A payment shall be made from the trust to a covered individual for the actual
32 cost, up to twenty-five thousand dollars, for rehabilitative or vocational training
33 employment services and educational training relating to the cancer diagnosis; and

34 (b) A payment shall be made to a covered individual of up to ten thousand dollars
35 if the covered individual incurs cosmetic disfigurement costs resulting from cancer.

36 (5) If the cancer is diagnosed as terminal cancer, the covered individual shall
37 receive a lump-sum payment of twenty-five thousand dollars as an accelerated payment
38 toward the benefits due based on the benefit levels established under subdivision (3) of this
39 subsection.

40 (6) The covered individual shall be entitled to additional awards if the cancer
41 increases in award level, but the amount of any benefit paid earlier for the same cancer
42 shall be subtracted from the new award.

43 (7) If a covered individual dies while owed benefits under this section, the benefits
44 shall be paid to the surviving spouse or domestic partner, if any, at the time of death, and
45 if there is no surviving spouse or domestic partner, any surviving children equally. If there
46 is no surviving spouse, domestic partner, or child, the obligation of the trust to pay benefits
47 will cease.

48 (8) If a covered individual returns to the same position of employment after a
49 cancer diagnosis, the covered individual shall be entitled to the benefits in this section for
50 any subsequent new type of covered cancer diagnosis.

51 (9) The maximum amount that may be paid to a covered individual for each cancer
52 diagnosis shall be two hundred forty-nine thousand dollars. The dollar limitations of this

53 subdivision shall be increased or decreased each year by the percentage of increase or
54 decrease from the end of the previous calendar year of the Consumer Price Index, or its
55 successor index, as published by the United States Department of Labor, or its successor
56 agency, and rounded to the nearest dollar amount.

57 (10) The benefits payable under this section shall be reduced by twenty-five percent
58 if a covered individual used a tobacco product within the five years immediately preceding
59 the cancer diagnosis.

60 (11) A claim for benefits from the trust shall be filed no later than two years after
61 the diagnosis of the cancer. The claim for each type of cancer needs to be filed only once
62 to allow the trust to increase the award level under subdivision (6) of this subsection.

63 (12) For the purpose of employer policies and benefits, a cancer diagnosis is treated
64 as an on-the-job injury or illness. This subdivision shall not affect any determination as
65 to whether the cancer is covered under chapter 287.

66 3. The board of trustees of the trust may:

67 (1) Create a program description to further define or modify, but not decrease, the
68 benefits of this section; and

69 (2) Modify the contribution rates; benefit levels, including the maximum amount,
70 consistent with subdivision (1) of this subsection; and structure of the benefits based on
71 actuarial recommendations and with input from a committee of the trust.

72 4. The board of trustees of the trust shall be considered a public governmental body
73 and shall be subject to all of the provisions of chapter 610.

74 5. A trust may accept or apply for any grants or donations from any private or
75 public source.

76 6. (1) Any trust may apply to the state fire marshal for a grant for the purpose of
77 establishing a voluntary firefighter cancer benefits trust. Subject to appropriations, the
78 state fire marshal shall disburse grants to the trust upon receipt of the application.

79 (2) The state fire marshal shall be authorized to use grant moneys disbursed under
80 section 287.245 for the purpose of setting up a trust.

81 (3) This subsection shall expire on June 30, 2022.

✓