

# SENATE BILL NO. 45

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

0356S.03I

ADRIANE D. CROUSE, Secretary

## AN ACT

To amend chapter 320, RSMo, by adding thereto one new section relating to benefits for certain firefighters who contract certain types of cancer as a result of employment as a firefighter.

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

Section A. Chapter 320, RSMo, is amended by adding thereto one new section, to be known as section 320.400, to read as follows:

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

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

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

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

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

17 (d) Was last assigned to hazardous duty as a  
18 firefighter within the previous fifteen years; and

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

21 (2) "Employer", a municipality or special district  
22 that employs one or more firefighters;

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

26 2. (1) One or more employers may create a voluntary  
27 firefighter cancer benefits trust for the purpose of this  
28 section. An employer may make contributions into the  
29 voluntary firefighter cancer benefits trust established for  
30 the purpose of this section. The contribution levels and  
31 award levels shall be set by the board of trustees of the  
32 trust.

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

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

42 (4) In addition to an award pursuant to subdivision  
43 (3) of this subsection:

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

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

52           (5) If the cancer is diagnosed as terminal cancer, the  
53 covered individual shall receive a lump-sum payment of  
54 twenty-five thousand dollars as an accelerated payment  
55 toward the benefits due based on the benefit levels  
56 established pursuant to subdivision (3) of this subsection.

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

61           (7) If a covered individual dies while owed benefits  
62 pursuant to this section, the benefits shall be paid to the  
63 surviving spouse or domestic partner, if any, at the time of  
64 death, and if there is no surviving spouse or domestic  
65 partner, any surviving children equally. If there is no  
66 surviving spouse, domestic partner, or child, the obligation  
67 of the trust to pay benefits will cease.

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

72           (9) The maximum amount that may be paid to a covered  
73 individual for each cancer diagnosis shall be two hundred  
74 forty-nine thousand dollars. The dollar limitations of this  
75 subdivision shall be increased or decreased each year by the  
76 percentage of increase or decrease from the end of the  
77 previous calendar year of the Consumer Price Index, or  
78 successor index as published by the U.S. Department of  
79 Labor, or its successor agency, and rounded to the nearest  
80 dollar amount.

81           (10) The benefits payable pursuant to this section  
82 shall be reduced by twenty-five percent if a covered  
83 individual used a tobacco product within the five years  
84 immediately preceding the cancer diagnosis.

85           (11) A claim for benefits from the trust shall be  
86 filed no later than two years after the diagnosis of the  
87 cancer. The claim for each type of cancer needs to be filed  
88 only once to allow the trust to increase the award level  
89 pursuant to subdivision (3) of this subsection.

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

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

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

98           (2) Modify the contribution rates, benefit levels,  
99 including the maximum amount, consistent with subdivision  
100 (1) of this subsection, and structure of the benefits based  
101 on actuarial recommendations and with input from a committee  
102 of the trust.

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

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

108           6. (1) Any trust may apply to the state fire marshal  
109 for a grant for the purpose of establishing a voluntary  
110 firefighter cancer benefits trust. Subject to  
111 appropriations, the state fire marshal shall disburse grants  
112 to the trust upon receipt of the application.

113           (2) Grant money disbursed under this subsection shall  
114 only be used for the purpose of setting up a trust.

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

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