



# SENATE BILL 805: Enhance First Responders' W/C and Benefits.

2019-2020 General Assembly

<b>Committee:</b>	House Appropriations	<b>Date:</b>	June 22, 2020
<b>Introduced by:</b>	Sens. Brown, Harrington, B. Jackson	<b>Prepared by:</b>	Phyllis Pickett
<b>Analysis of:</b>	PCS to Second Edition S805-CSLR-16		Committee Co-Counsel

**OVERVIEW:** *House Committee Substitute for Senate Bill 805: (1) creates a presumption that certain cancers are occupational diseases for firefighters employed by units of local, (2) expands the list of cancers covered as occupational diseases for firefighters' death benefits, (3) establishes a special separation allowance for state and local firefighters and rescue squad workers; and (4) funds behavioral health and crisis services in response to the coronavirus pandemic.*

**SUMMARY:** After first making some technical changes, **Part I** amends G.S. 97-53, which pertains to diseases and conditions deemed to be occupational diseases under the Workers Compensation Act. A new subsection is created that covers all firefighters and establishes that any condition or impairment caused by these cancers are deemed occupational diseases of firefighters:

- Esophageal.
- Intestinal.
- Rectal.
- Testicular.
- Brain.
- Non-Hodgkin's Lymphoma.
- Multiple Myeloma.
- Mesothelioma.
- Oral cavity.

**Part I** enacts new G.S. 97-53.1, regarding the compensability of firefighter occupational diseases for those firefighters who are paid, partially paid, or volunteer members of a local government fire department. These firefighters will be presumed eligible for compensation for occupational disease if:

- (1) The firefighter was required to submit to a physical examination upon entering the service of the unit of local government, the exam failed to reveal any evidence of a firefighter occupational disease, and the firefighter has completed at least 5 years of service for the unit of local government, and
- (2) The firefighter was not required to submit to a physical examination upon entering the service and, at the time of disability by an occupational disease, the firefighter has completed at least 5 years of continuous service immediately preceding January 1, 2017, as a firefighter for the unit of local government.

The local government employer must prove by a preponderance of evidence that the firefighter's condition was caused by something other than the firefighter's occupation to disqualify the firefighter from receiving compensation.

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**Part II** adds the following cancers to the list of occupational diseases affecting firefighters:

- Non-Hodgkin's lymphoma
- Brain and other nervous system cancer.
- Multiple myeloma

Currently, only these cancers are covered: mesothelioma, testicular, intestinal, esophageal and small intestine. (The act would modify the definition of "intestinal cancer" to "cancer of the small intestine.")

**Part III** creates a special separation allowance for State and local firefighters and rescue squad workers. To receive the retirement benefit, a person must have completed at least 5 years of continuous service, rendered on or after July 1, 2019, as a firefighter or rescue squad worker. Thus, only individuals retiring on or after July 1, 2024, would be eligible for the allowance.

**Part IV** appropriates \$50,000,000 in nonrecurring funds from the State's Coronavirus Relief Fund to the Office of State Budget and Management for allocation to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2020-2021 fiscal year, for distribution to local management entities/managed care organizations (LME/MCO's) to fund behavioral health and crisis services in response to the COVID 19 pandemic. It also makes the requirements and limitations of Part I of S.L. 2020-4 applicable to these funds and requires a report on the use of these funds by March 1, 2021.

**EFFECTIVE DATE:** The act would become effective July 1, 2019.