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S.73

An act relating to workers' compensation coverage for firefighters with cancer

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

~~Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows~~ As used in this chapter:

* * *

(11) "Personal injury by accident arising out of and in the course of employment" includes an injury caused by the willful act of a third person directed against an employee because of that employment.

* * *

(E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3) and (4), who dies or has a disability from a cancer listed in subdivision (iii) of this subdivision (E), the firefighter shall be presumed to have had the cancer as a result of exposure to conditions in the line of duty, unless it is shown by a preponderance of the evidence that the cancer was caused by nonservice-connected risk factors or nonservice-connected exposure, provided:

(i)(I) the firefighter completed an initial and any subsequent cancer screening evaluations as recommended by the American Cancer Society

1 based on the age and sex of the firefighter prior to becoming a firefighter or
2 ~~within two years of July 1, 2007~~ while serving as a firefighter, and the
3 evaluation indicated no evidence of cancer;

4 (II) the firefighter was engaged in firefighting duties or other
5 hazardous activities over a period of at least five years in Vermont prior to the
6 diagnosis; and

7 (III) the firefighter is under 65 years of age.

8 (ii) The presumption shall not apply to any firefighter who has
9 used tobacco products at any time within 10 years of the date of diagnosis.

10 (iii) The disabling cancer shall be limited to leukemia, lymphoma,
11 or multiple myeloma, and cancers originating in the bladder, brain, breast,
12 colon, gastrointestinal tract, kidney, liver, pancreas, reproductive system, skin,
13 or ~~testicles~~ thyroid.

14 (F) A firefighter who is diagnosed with cancer within 10 years of the
15 last active date of employment as a firefighter shall be eligible for benefits
16 under this subdivision. The date of injury shall be the date of the last injurious
17 exposure as a firefighter.

18 (G) It is recommended that fire departments:

19 (i) maintain incident report records for at least 10 years; and

20 (ii) offer or provide annual cancer screenings to all firefighters
21 who are employed by or who volunteer for the department.

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Sec. 2. ANNUAL CANCER SCREENINGS; PERSONAL PROTECTIVE
EQUIPMENT UPGRADES; REPORT

(a) On or before January 15, 2024, the Director of the Division of Fire Safety shall submit a written report to the House Committees on Appropriations, on Commerce and Economic Development, and on Government Operations and Military Affairs and the Senate Committees on Appropriations; on Economic Development, Housing and General Affairs; and on Government Operations regarding the following topics:

(1) the projected cost for the State to fund annual or biennial cancer screenings for all career and volunteer firefighters in Vermont;

(2) the projected cost for the State to fund cancer screenings for all enrollees in the Vermont Fire Academy Firefighter I certification program prior to the commencement of training;

(3) potential opportunities for the State to reduce the cost for fire departments to provide annual cancer screenings for their firefighters;

(4) the projected cost for the State to fund the replacement of personal protective equipment for all volunteer and career firefighters on a rolling basis so that all personal protective equipment is replaced within 10 years after being acquired;

1 (5) potential opportunities for the State to reduce the cost to fire
2 departments for the replacement of personal protective equipment; and

3 (6) the potential impact of amending or repealing the provisions of
4 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the
5 firefighter's cancer resulted from work-related exposure if the firefighter is
6 either over 65 years of age or has used tobacco products within the last 10
7 years.

8 (b) The report may include recommendations for legislative action to:

9 (1) facilitate:

10 (A) the early identification of cancer in firefighters;

11 (B) the acquisition of personal protective equipment by fire
12 departments; and

13 (C) the elimination of PFAS and other carcinogens in firefighting
14 equipment; and

15 (2) amend or repeal the provisions of 21 V.S.A. § 601(11)(E) that bar a
16 firefighter from the presumption that the firefighter's cancer resulted from
17 work-related exposure if the firefighter is either over 65 years of age or has
18 used tobacco products within the last 10 years.

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on July 1, 2023.