

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred Senate Bill No. 73 entitled “An act relating to workers’ compensation
4 coverage for firefighters with cancer” respectfully reports that it has considered
5 the same and recommends that the House propose to the Senate that the bill be
6 amended as follows:

7 First: In Sec. 1, 21 V.S.A. § 601, definitions, in subdivision (11)(E)(iii),
8 after “liver,” by inserting “lung,”

9 Second: By striking out Secs. 2 and 3 in their entireties and inserting in lieu
10 thereof Secs. 2, 3, and 4 to read as follows:

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

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

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

21 (2) the projected cost for the State to fund cancer screenings for all

1 enrollees in the Vermont Fire Academy Firefighter I certification program
2 prior to the commencement of training;

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

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

9 (5) potential opportunities for the State to reduce the cost to fire
10 departments for the replacement of personal protective equipment.

11 (b) The report may include recommendations for legislative action to
12 facilitate:

13 (1) the early identification of cancer in firefighters;

14 (2) the acquisition of personal protective equipment by fire departments;

15 and

16 (3) the elimination of PFAS and other carcinogens in firefighting
17 equipment.

18 Sec. 3. WORKERS' COMPENSATION FOR FIREFIGHTERS WITH
19 CANCER; ELIGIBILITY

20 (a) On or before January 15, 2024, the Commissioners of Labor and of
21 Financial Regulation, in consultation with the Director of the Division of Fire

1 Safety, shall submit a written report to the House Committee on Commerce
2 and Economic Development and the Senate Committee on Economic
3 Development, Housing and General Affairs regarding the following topics:

4 (1) the potential impacts on workers' compensation claims, premiums,
5 and loss costs of amending or repealing the provisions of 21 V.S.A.
6 § 601(11)(E) that bar a firefighter from the presumption that the firefighter's
7 cancer resulted from work-related exposure if the firefighter:

8 (A) is over 65 years of age; or

9 (B) has used tobacco products within the last 10 years;

10 (2) the potential impacts on workers' compensation claims, premiums,
11 and loss costs of amending 21 V.S.A. § 601(11)(E)(iii) to expand the list of
12 cancers presumed to have been caused by exposure to working conditions as a
13 firefighter to include either:

14 (A) additional specific cancers for which firefighters have a
15 significantly increased risk in comparison to the general public; or

16 (B) all forms of cancer; and

17 (3) potential methods for apportioning liability for workers'
18 compensation in instances where a firefighter has been employed by more than
19 one fire department, including when a firefighter is employed as a career
20 firefighter by one department and a volunteer firefighter by another
21 department.

1 (b) In evaluating potential impacts on workers' compensation claims,
2 premiums, and loss costs pursuant to subdivisions (1) and (2) of subsection (a)
3 of this section, the Commissioners of Labor and of Financial Regulation shall
4 consult with the National Council on Compensation Insurance.

5 (c) The report may include recommendations for legislative action to:

6 (1) amend or repeal the provisions of 21 V.S.A. § 601(11)(E) that bar a
7 firefighter from the presumption that the firefighter's cancer resulted from
8 work-related exposure if the firefighter is over 65 years of age or has used
9 tobacco products within the last 10 years; and

10 (2) amend 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers
11 presumed to have been caused by exposure to working conditions as a
12 firefighter to include either:

13 (A) additional specific cancers for which firefighters have a
14 significantly increased risk in comparison to the general public; or

15 (B) all forms of cancer.

16 Sec. 4. EFFECTIVE DATE

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

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21 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE