

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to
3 which was referred Senate Bill No. 73 entitled “An act relating to workers’
4 compensation coverage for firefighters with cancer” respectfully reports that it
5 has considered the same and recommends that the bill be amended by striking
6 out all after the enacting clause and inserting in lieu thereof the following:

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

8 § 601. DEFINITIONS

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

11 * * *

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

15 * * *

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

1 (i)(I) the firefighter completed an initial and any subsequent
2 cancer screening evaluations as recommended by the American Cancer Society
3 based on the age and sex of the firefighter prior to becoming a firefighter or
4 ~~within two years of July 1, 2007~~ while serving as a firefighter, and the
5 evaluation indicated no evidence of cancer;

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

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

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

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

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

20 (G) It is recommended that fire departments;

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

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

3 * * *

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

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

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

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

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

19 (4) the projected cost for the State to fund the replacement of personal
20 protective equipment for all volunteer and career firefighters on a rolling basis

1 so that all personal protective equipment is replaced within 10 years after being
2 acquired; and

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

5 (b) The report may include recommendations for legislative action to
6 facilitate:

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

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

9 and

10 (3) the elimination of PFAS and other carcinogens in firefighting
11 equipment.

12 Sec. 3. EFFECTIVE DATE

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

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18 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE