# STATE OF NEW YORK

11261

# IN ASSEMBLY

May 4, 2026

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to eligibility for accidental disability benefits under the heart bill; and providing for the repeal of such provisions upon expiration thereof

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Section 809 of the retirement and social security law is amended by adding a new subdivision d to read as follows:

**d. (i) A member of the New York state and local employees' retirement system or the New York state and local police and fire retirement system who retired from service on or after January first, two thousand twenty-one but before the effective date of this subdivision, and to whom this section otherwise would have been applicable, may submit an application for an accidental disability retirement allowance that is based on a permanent incapacity caused by a disease of the heart for a period of one year from the effective date of this subdivision. No application filed after the expiration of such one-year period shall be accepted. Nothing in this subdivision shall be construed to revive, reopen, or extend the filing period for any member who retired prior to January first, two thousand twenty-one.**

**(ii) Any change in the retirement status of a member or benefits due such member or the member's beneficiaries shall be prospective only from the date of submission of the application.**

§ 2. Subdivision 2 of section 363-a of the retirement and social security law, as amended by section 1 of part LL of chapter 55 of the laws of 2023, is amended to read as follows:

2. **(a)** Notwithstanding any provision of this chapter or of any general, special, or local law to the contrary, any condition of impairment of health caused by diseases of the heart, resulting in disability or death to a police officer, presently employed, and who shall have sustained such disability while so employed, shall be presumptive evidence that it was incurred in the performance and discharge of duty

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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and the natural and proximate result of an accident, unless the contrary be proved by competent evidence.

**(b) For purposes of this subdivision, a police officer who is not presently employed shall be eligible to apply for accidental disability retirement benefits based upon diseases of the heart only as expressly provided in subdivision d of section eight hundred nine of this chapter.**

§ 3. This act shall take effect immediately and shall expire and be deemed repealed three hundred sixty-six days after it shall have become a law. Such expiration and repeal shall not affect any applications filed prior to the date of such expiration in accordance with subdivision d of section 809 of the retirement and social security law as added by section one of this act.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would allow service retirees to apply for an accidental disability benefit under section 809 of the retirement and social security law, which provides benefits for heart disease. They must have retired on or after January 1, 2021. If approved, increased benefits will only be paid prospectively, commencing on the date of application.

Insofar as this bill affects the New York State and Local Retirement System (NYSLRS), there are 89 benefiting retirees collecting annual pension payments of approximately $16 million. Should these members apply and be approved for a 75% accidental disability benefit, annual pension payments would increase $2.8 million, generating a past service cost of $30 million. The cost will be shared by the participating employers in NYSLRS and spread over future billing cycles.

The number of future retirees who could be affected by this legislation cannot be readily determined. The cost of each additional accidental disability benefit approved will depend upon the applicant's age, service, salary, and plan, but is expected to average 2.5 times the member's compensation. All future costs will be borne by the state of New York and local participating employers in NYSLRS.

Summary of relevant resources:

Membership data as of March 31, 2025 was used to measure the impact of the bill, the same data used in the Actuarial Valuations dated April 1, 2025. Distributions and other statistics can be found in the 2025 Report of the Actuary and the 2025 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2025 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control. The fair value of assets and GASB disclosures can be found in the 2025 Financial Statements and Supplementary Information.

Assumptions, demographics, and other considerations may have been modified to better reflect specific provisions of any proposed benefit change(s).

This fiscal note does not constitute a legal opinion on the viability of the bill, nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated April 8, 2026, and intended for use only during the 2026 Legislative Session, is Fiscal Note Number 2026-152. As Chief Actuary of the New York State and Local Retirement System (NYSLRS), I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member. I am a member of NYSLRS but do not believe it impairs my objectivity.