S T A T E O F N E W Y O R K

8065

I N S E N A T E

June 9, 2016

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the volunteer firefighters' benefit law, in relation to the expansion of coverage to include cancer of the lymphatic or hematological systems, the digestive, urinary, prostate, neurological, breast or reproductive systems or melanoma; 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. The volunteer firefighters' benefit law is amended by adding a new section 11-d to read as follows:

S 11-D. VOLUNTEER FIREFIGHTERS; PRESUMPTION IN CERTAIN CANCERS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER TO THE CONTRARY, A CONDITION OF IMPAIRMENT OF HEALTH OF A VOLUNTEER FIREFIGHTER WITH (A) FIVE OR MORE YEARS OF FAITHFUL AND ACTUAL SERVICE IN THE PROTECTION OF LIFE AND PROPERTY FROM FIRE IN THE INTERIOR OF BUILDINGS CAUSED BY CANCER AFFECTING THE LYMPHATIC OR HEMATOLOGICAL SYSTEMS OR (B) TEN OR MORE YEARS OF FAITHFUL AND ACTUAL SERVICE IN THE PROTECTION OF LIFE AND PROPERTY FROM FIRE IN THE INTERIOR OF BUILDINGS CAUSED BY CANCER AFFECTING THE DIGESTIVE, URINARY, PROSTATE, NEUROLOGICAL, BREAST OR REPRODUCTIVE SYSTEMS OR MELANOMA, RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO SUCH VOLUNTEER FIREFIGHTER, WHO SUCCESSFULLY PASSED A PHYSICAL EXAMINATION ON ENTRY INTO FIREFIGHTER SERVICE, WHICH EXAMINATION FAILED TO REVEAL ANY EVIDENCE OF SUCH CANCERS, SHALL BE PRESUMPTIVE EVIDENCE THAT IT WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY, UNLESS THE CONTRARY BE PROVEN BY COMPETENT EVIDENCE. CLAIMS FOR BENEFITS PURSUANT TO THIS SECTION MUST BE FILED WITHIN TWELVE YEARS OF SEPARATION FROM ACTIVE SERVICE IN PROTECTING LIFE AND PROPERTY FROM FIRE IN THE INTERIOR OF BUILDINGS.

2. THIS SECTION SHALL NOT APPLY TO VOLUNTEER FIREFIGHTERS SERVING IN A FIRE COMPANY OR FIRE DEPARTMENT WHERE THE LEGISLATIVE BODY OF THE CITY OR THE VILLAGE, THE BOARD OF FIRE COMMISSIONERS OR OTHER GOVERNING BOARD OF THE FIRE DISTRICT, OR THE TOWN BOARD OF THE TOWN IN RELATION TO (A) THE FIRE COMPANIES SERVING TERRITORY OUTSIDE THE VILLAGES AND FIRE

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

LBD04199-08-6

DISTRICTS OR (B) A TOWN FIRE DEPARTMENT, HAS ADOPTED A LOCAL LAW OR RESOLUTION TO ELECT NOT TO PROVIDE THIS PRESUMPTION.

S 2. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2020.