STATE OF NEW YORK

3653

2017-2018 Regular Sessions

IN ASSEMBLY

January 30, 2017

Introduced by M. of A. GRAF, HYNDMAN, LUPINACCI, McDONOUGH, ORTIZ, RA, MURRAY, RAIA, GARBARINO, WALTER, STECK, LAWRENCE, RICHARDSON, McKEVITT, SALADINO, COLTON, BLANKENBUSH, FINCH -- Multi-Sponsored by -- M. of A. CROUCH, LOPEZ, MAGEE, McLAUGHLIN, PALMESANO, PICHARDO -- read once and referred to the Committee on Local Governments

AN ACT to amend the volunteer firefighters' benefit law, in relation to establishing a presumption relating to certain cancer related disabilities incurred by volunteer firefighters

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

Section 1. Section 11-c of the volunteer firefighters' benefit law, as added by chapter 606 of the laws of 2006, is amended to read as follows:

§ [~~11-c~~] **11-d**. Volunteer firefighters; presumption in certain diseases. Notwithstanding any provision of this chapter or of any general, special or local law to the contrary, and for the purposes of this chapter, any condition of impairment of health caused by diseases of the lung **and/or cancer disabilities**, resulting in total or partial disability or death to a volunteer firefighter, where such volunteer firefighter successfully passed a physical examination on entry into such service or subsequent thereto, which examination failed to reveal any evidence of such conditions, shall be presumptive evidence that such disability or death (a) was caused by the natural and proximate result of an accident, not caused by such firefighter's own negligence and (b) was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence.

§ 2. This act shall take effect immediately, provided that the amendments to section 11-c of the volunteer firefighters' benefit law, made by section one of this act shall not affect the expiration and repeal of such section, and shall be deemed repealed therewith.

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

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