STATE OF NEW YORK

9065

IN ASSEMBLY

January 14, 2020

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to proof of eligibility for volunteer firefighter enhanced cancer disability benefits; and to repeal certain provisions of the general municipal law relating thereto

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

Section 1. Subparagraphs (i) and (ii) of paragraph a of subdivision 1 of section 205-cc of the general municipal law, subparagraph (i) as added by chapter 334 of the laws of 2017 and subparagraph (ii) as amended by a chapter of the laws of 2019 amending the general municipal law relating to proof of eligibility for volunteer firefighter enhanced cancer disability benefits, as proposed in legislative bills numbers S. 4173-A and A. 5957-A, are amended to read as follows:

(i) A volunteer firefighter having five or more years of faithful and actual service in the protection of life and property from fire in the interior of buildings [~~and~~] subsequent to having successfully passed a physical examination [~~on entry to the firefighter service,~~] which [~~examination~~] failed to reveal any evidence of cancers as defined in paragraph b of this subdivision; and

(ii) Having submitted proof of five years of interior firefighting service by providing verification that he or she has passed at least five yearly certified mask fitting tests as set forth in 29 CFR 1910.134 or the applicable National Fire Protection Association standards for mask fit testing or, for firefighters who entered the fire service prior to January first, two thousand twenty, documentation identified by the office of fire prevention and control in rules and regulations promulgated pursuant to subdivision seven of this section which shall include, but not be limited to, training or certification records, health care provider records, internal fire department records, or any combination of official documents capable of evidencing that the firefighter meets the requirements of this section.

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

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§ 2. Subdivision 7 of section 205-cc of the general municipal law, as added by chapter 334 of the laws of 2017, is amended to read as follows:

7. The office of fire prevention and control, in consultation with the department of financial services and the workers' compensation board, shall adopt such rules and regulations as are reasonable and necessary to implement the provisions of this section. Such regulations shall include **establishing acceptable documentation for proof of eligibility,** the process by which a firefighter files a claim for the enhanced cancer disability benefit, how the beneficiary of such eligible volunteer firefighter files a claim for the enhanced cancer death benefit, the process by which claimants can appeal a denial of benefits and what proof is deemed acceptable to qualify for such benefits.

§ 3. Subdivision 8 of section 205-cc of the general municipal law, as added by a chapter of the laws of 2019 amending the general municipal law relating to proof of eligibility for volunteer firefighter enhanced cancer disability benefits, as proposed in legislative bills numbers S. 4173-A and A. 5957-A, is REPEALED.

§ 4. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2019 amending the general municipal law relating to proof of eligibility for volunteer firefighter enhanced cancer disability benefits, as proposed in legislative bills numbers S. 4173-A and A. 5957-A, takes effect.