

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:

1 Section 1. Subparagraphs (i) and (ii) of paragraph a of subdivision 1
2 of section 205-cc of the general municipal law, subparagraph (i) as
3 added by chapter 334 of the laws of 2017 and subparagraph (ii) as
4 amended by a chapter of the laws of 2019 amending the general municipal
5 law relating to proof of eligibility for volunteer firefighter enhanced
6 cancer disability benefits, as proposed in legislative bills numbers S.
7 4173-A and A. 5957-A, are amended to read as follows:

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

13 (ii) Having submitted proof of five years of interior firefighting
14 service by providing verification that he or she has passed at least
15 five yearly certified mask fitting tests as set forth in 29 CFR 1910.134
16 or the applicable National Fire Protection Association standards for
17 mask fit testing or, for firefighters who entered the fire service prior
18 to January first, two thousand twenty, documentation identified by the
19 office of fire prevention and control in rules and regulations promul-
20 gated pursuant to subdivision seven of this section which shall include,
21 but not be limited to, training or certification records, health care
22 provider records, internal fire department records, or any combination
23 of official documents capable of evidencing that the firefighter meets
24 the requirements of this section.
25

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

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

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

13 § 3. Subdivision 8 of section 205-cc of the general municipal law, as
14 added by a chapter of the laws of 2019 amending the general municipal
15 law relating to proof of eligibility for volunteer firefighter enhanced
16 cancer disability benefits, as proposed in legislative bills numbers S.
17 4173-A and A. 5957-A, is REPEALED.

18 § 4. This act shall take effect on the same date and in the same
19 manner as a chapter of the laws of 2019 amending the general municipal
20 law relating to proof of eligibility for volunteer firefighter enhanced
21 cancer disability benefits, as proposed in legislative bills numbers S.
22 4173-A and A. 5957-A, takes effect.