

STATE OF NEW YORK

4562--A

Cal. No. 752

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sens. BROOKS, STEC, BORRELLO, GAUGHRAN, JORDAN, MATTERA -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the volunteer firefighters' benefit law, in relation to death or disability due to vascular rupture

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

1 Section 1. The section heading and subdivision 1 of section 61 of the
2 volunteer firefighters' benefit law, the section heading as added by
3 chapter 668 of the laws of 1977, and subdivision 1 as amended by chapter
4 476 of the laws of 2018, are amended to read as follows:

5 Death or disability due to disease or malfunction of heart or coronary
6 arteries or due to vascular rupture; claims and procedures. 1. A claim
7 for benefits for the death or disability of a volunteer firefighter due
8 to disease or malfunction of the heart or of one or more coronary
9 arteries or a claim for benefits for the death or disability of a volun-
10 teer firefighter due to vascular rupture filed in accordance with
11 section forty-one of this chapter, shall not be denied provided the
12 claimant introduces evidence which establishes that a volunteer fire-
13 fighter suffered disease or malfunction of the heart or of one or more
14 coronary arteries, or vascular rupture, which caused the disablement or
15 death of the volunteer firefighter, and that such disease or
16 malfunction, or vascular rupture, resulted from the duties and activ-
17 ities in which the volunteer firefighter was engaged as set forth in
18 section five of this chapter for which benefits shall be paid, unless it
19 can be shown by substantial evidence to the contrary that the duties and
20 activities of the volunteer firefighter in which the volunteer fire-
21 fighter was engaged at the time of such disease or malfunction, or

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

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1 vascular rupture, did not cause or precipitate such disease or malfunc-
2 tion, or vascular rupture; and further provided that the injury did not
3 result solely from the intoxication of the volunteer firefighter while
4 acting in line of duty or was not occasioned by the wilful intention of
5 the volunteer firefighter to bring about the injury or death of himself
6 or herself or another.

7 § 2. This act shall take effect immediately; provided that the amend-
8 ments to section 61 of the volunteer firefighters' benefit law made by
9 section one of this act shall not affect the repeal of such section and
10 shall be deemed repealed therewith.