STATE OF NEW YORK

6767

2021-2022 Regular Sessions

IN ASSEMBLY

March 29, 2021

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

AN ACT to amend the volunteer firefighters' benefit law, in relation to death or disability due to vascular rupture; and to repeal section 4 of chapter 668 of the laws of 1977, amending the volunteer firefighters' benefit law relating to disability due to disease or malfunction of the heart or coronary arteries, in relation to making certain provisions permanent

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

Section 1. This act shall be known and may be cited as the "Chief James Brooks Jr. Act".

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

Death or disability due to disease or malfunction of heart or coronary arteries **or due to vascular rupture**; claims and procedures. 1. A claim for benefits for the death or disability of a volunteer firefighter due to disease or malfunction of the heart or of one or more coronary arteries **or a claim for benefits for the death or disability of a volunteer firefighter due to vascular rupture** filed in accordance with section forty-one of this chapter, shall not be denied provided the claimant introduces evidence which establishes that a volunteer firefighter suffered disease or malfunction of the heart or of one or more coronary arteries**, or vascular rupture,** which caused the disablement or death of the volunteer firefighter, and that such disease or malfunction**, or vascular rupture,** resulted from the duties and activities in which the volunteer firefighter was engaged as set forth in section five of this chapter for which benefits shall be paid, unless it can be shown by substantial evidence to the contrary that the duties and

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

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activities of the volunteer firefighter in which the volunteer firefighter was engaged at the time of such disease or malfunction**, or vascular rupture,** did not cause or precipitate such disease or malfunction**, or vascular rupture**; and further provided that the injury did not result solely from the intoxication of the volunteer firefighter while acting in line of duty or was not occasioned by the wilful intention of the volunteer firefighter to bring about the injury or death of himself or herself or another.

§ 3. Section 4 of chapter 668 of the laws of 1977, amending the volunteer firefighters' benefit law relating to disability due to disease or malfunction of the heart or coronary arteries, as amended by section 1 of item CC of subpart B of part XXX of chapter 58 of the laws of 2020, is REPEALED.

§ 4. This act shall take effect immediately.