

STATE OF NEW YORK

4562

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sens. BROOKS, STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

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

3 § 2. The section heading and subdivision 1 of section 61 of the volun-
4 teer firefighters' benefit law, the section heading as added by chapter
5 668 of the laws of 1977, and subdivision 1 as amended by chapter 476 of
6 the laws of 2018, are amended to read as follows:

7 Death or disability due to disease or malfunction of heart or coronary
8 arteries or due to vascular rupture; claims and procedures. 1. A claim
9 for benefits for the death or disability of a volunteer firefighter due
10 to disease or malfunction of the heart or of one or more coronary
11 arteries or a claim for benefits for the death or disability of a volun-
12 teer firefighter due to vascular rupture filed in accordance with
13 section forty-one of this chapter, shall not be denied provided the
14 claimant introduces evidence which establishes that a volunteer fire-
15 fighter suffered disease or malfunction of the heart or of one or more
16 coronary arteries, or vascular rupture, which caused the disablement or
17 death of the volunteer firefighter, and that such disease or
18 malfunction, or vascular rupture, resulted from the duties and activ-
19 ities in which the volunteer firefighter was engaged as set forth in
20 section five of this chapter for which benefits shall be paid, unless it
21 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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1 activities of the volunteer firefighter in which the volunteer fire-
2 fighter was engaged at the time of such disease or malfunction, or
3 vascular rupture, did not cause or precipitate such disease or malfunc-
4 tion, or vascular rupture; and further provided that the injury did not
5 result solely from the intoxication of the volunteer firefighter while
6 acting in line of duty or was not occasioned by the wilful intention of
7 the volunteer firefighter to bring about the injury or death of himself
8 or herself or another.

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

14 § 4. This act shall take effect immediately.