STATE OF NEW YORK

8725

2025-2026 Regular Sessions

IN ASSEMBLY

June 2, 2025

Introduced by M. of A. JACOBSON -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to disability retirement benefits for the presumption of cancer affecting the endocrine and thyroid systems and Parkinson's Disease for certain firefighters

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

Section 1. Section 63-h of the retirement and social security law, as added by chapter 533 of the laws of 2021, is amended to read as follows:

§ 63-h. Certain impairments of health; presumption. a. Any member of the retirement system employed by the division of military and naval affairs shall be eligible to retire pursuant to the provisions of this section if [~~he or she~~] **such member** is an airport firefighter apprentice, airport firefighter I, airport firefighter II, airport firefighter III or training and safety officer.

b. Notwithstanding any provision of this chapter or of any general or special law to the contrary, any condition of impairment of health caused by: (1) diseases of the heart; or (2) any (i) melanoma or (ii) condition of cancer affecting the lymphatic, digestive, hematological, urinary, neurological, breast, reproductive**, endocrine, thyroid,** or prostate systems resulting in disability to a member covered by this section, presently employed, who successfully passed a physical examination on entry into service as an airport firefighter apprentice, airport firefighter I, airport firefighter II, airport firefighter III or training and safety officer which examination failed to reveal evidence of any disease or other impairment of the heart or such melanoma or condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence and shall be paid a performance of duty disability retirement

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

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allowance equal to that which is provided in section sixty-three of this title, subject to the provisions of section sixty-four of this title.

c. Notwithstanding any provision of this chapter or of any general or special law to the contrary, any condition of impairment of health caused by diseases of the lung, resulting in disability to a member covered by this section, presently employed, who successfully passed a physical examination on entry into service as an airport firefighter apprentice, airport firefighter I, airport firefighter II, airport firefighter III or training and safety officer, which examination failed to disclose evidence of any disease or other impairment of the lung, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence and shall be paid a performance of duty disability retirement allowance equal to that which is provided in section sixty-three of this title, subject to the provisions of section sixty-four of this title.

d. **Notwithstanding any provision of this chapter or of any general or special law to the contrary, any condition of impairment of health caused by Parkinson's Disease resulting in total or partial disability or death to a member covered by this section, presently employed, who successfully passed a physical examination on entry into service as an airport firefighter apprentice, airport firefighter I, airport firefighter II, airport firefighter III or training and safety officer, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence and shall be paid a performance of duty disability retirement allowance equal to that which is provided in section sixty-three of this title, subject to the provisions of section sixty-four of this title.**

e. After the filing of an application such member shall be given one or more medical examinations. If the comptroller determines that the member is physically or mentally incapacitated for the performance of duty and ought to be retired for performance of duty disability, such member shall be so retired. Such retirement shall be effective as of a date approved by the comptroller.

[~~e.~~] **f.** If the member, at the time of the filing of such application, is eligible for a service retirement benefit, then and in that event, such member may simultaneously file an application for service retirement, provided that the member indicates on the application for service retirement that such application is filed without prejudice to the application for performance of duty disability retirement.

§ 2. Section 607-k of the retirement and social security law, as added by chapter 533 of the laws of 2021, is amended to read as follows:

§ 607-k. Certain impairments of health; presumption. a. Any member of the retirement system employed by the division of military and naval affairs shall be eligible to retire pursuant to the provisions of this section if [~~he or she~~] **such member** is an airport firefighter apprentice, airport firefighter I, airport firefighter II, airport firefighter III or training and safety officer.

b. Notwithstanding any provision of this chapter or of any general or special law to the contrary, any condition of impairment of health caused by: (1) diseases of the heart; or (2) any (i) melanoma or (ii) condition of cancer affecting the lymphatic, digestive, hematological, urinary, neurological, breast, reproductive**, endocrine, thyroid,** or prostate systems resulting in disability to a member covered by this section, presently employed, who successfully passed a physical examination on entry into service as an airport firefighter apprentice, airport

firefighter I, airport firefighter II, airport firefighter III or training and safety officer which examination failed to reveal evidence of any disease or other impairment of the heart or such melanoma or condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence and shall be paid a performance of duty disability retirement allowance equal to that which is provided in section sixty-three of this chapter, subject to the provisions of sections sixty-three and sixty-four of this chapter.

c. Notwithstanding any provision of this chapter or of any general or special law to the contrary, any condition of impairment of health caused by diseases of the lung, resulting in disability to a member covered by this section, presently employed, who successfully passed a physical examination on entry into service as an airport firefighter apprentice, airport firefighter I, airport firefighter II, airport firefighter III or training and safety officer, which examination failed to disclose evidence of any disease or other impairment of the lung, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence and shall be paid a performance of duty disability retirement allowance equal to that which is provided in section sixty-three of this chapter, subject to the provisions of section sixty-four of this chapter.

d. **Notwithstanding any provision of this chapter or of any general or special law to the contrary, any condition of impairment of health caused by Parkinson's Disease resulting in total or partial disability or death to a member covered by this section, presently employed, who successfully passed a physical examination on entry into service as an airport firefighter apprentice, airport firefighter I, airport firefighter II, airport firefighter III or training and safety officer, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence and shall be paid a performance of duty disability retirement allowance equal to that which is provided in section sixty-three of this chapter, subject to the provisions of section sixty-four of this chapter.**

e. After the filing of an application such member shall be given one or more medical examinations. If the comptroller determines that the member is physically or mentally incapacitated for the performance of duty and ought to be retired for performance of duty disability, such member shall be so retired. Such retirement shall be effective as of a date approved by the comptroller.

[~~e.~~] **f.** If the member, at the time of the filing of such application, is eligible for a service retirement benefit, then and in that event, such member may simultaneously file an application for service retirement, provided that the member indicates on the application for service retirement that such application is filed without prejudice to the application for performance of duty disability retirement.

§ 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would provide an accidental disability presumption to airport firefighters who contract cancer affecting the endocrine/thyroid system or impairments of health related to Parkinson's Disease, resulting in disability or death.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), this legislation would lead to more disabilities and deaths being classified as "accidental." The cost will

depend upon the applicant's age, service, salary, plan, and any benefit type otherwise payable.

Benefit prior to enactment	None	Ordinary Disab.	Perf. of Duty	Service Retirement	Ordinary Death
NYSLERS cost of proposal:	10 times salary	5.5 times salary	3 times salary	2 times salary	4.5 times salary

Further, we anticipate there could be some administrative costs to implement the provisions of this legislation.

All costs arising from this bill would be shared by the State of New York and all the participating employers in NYSLERS.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control. The Market Assets and GASB Disclosures are found in the March 31, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated May 15, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-151. As Chief Actuary of the New York State and Local Retirement System, I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member.