

STATE OF NEW YORK

8058

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

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:

1 Section 1. Section 63-h of the retirement and social security law, as
2 added by chapter 533 of the laws of 2021, is amended to read as follows:
3 § 63-h. Certain impairments of health; presumption. a. Any member of
4 the retirement system employed by the division of military and naval
5 affairs shall be eligible to retire pursuant to the provisions of this
6 section if [~~he or she~~] such member is an airport firefighter apprentice,
7 airport firefighter I, airport firefighter II, airport firefighter III
8 or training and safety officer.
9 b. Notwithstanding any provision of this chapter or of any general or
10 special law to the contrary, any condition of impairment of health
11 caused by: (1) diseases of the heart; or (2) any (i) melanoma or (ii)
12 condition of cancer affecting the lymphatic, digestive, hematological,
13 urinary, neurological, breast, reproductive, endocrine, thyroid, or
14 prostate systems resulting in disability to a member covered by this
15 section, presently employed, who successfully passed a physical examina-
16 tion on entry into service as an airport firefighter apprentice, airport
17 firefighter I, airport firefighter II, airport firefighter III or train-
18 ing and safety officer which examination failed to reveal evidence of
19 any disease or other impairment of the heart or such melanoma or condi-
20 tion, shall be presumptive evidence that it was incurred in the perform-
21 ance and discharge of duty, unless the contrary be proven by competent
22 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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1 allowance equal to that which is provided in section sixty-three of this
2 title, subject to the provisions of section sixty-four of this title.

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

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

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

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

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

43 § 607-k. Certain impairments of health; presumption. a. Any member of
44 the retirement system employed by the division of military and naval
45 affairs shall be eligible to retire pursuant to the provisions of this
46 section if [~~he or she~~] such member is an airport firefighter apprentice,
47 airport firefighter I, airport firefighter II, airport firefighter III
48 or training and safety officer.

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

1 firefighter I, airport firefighter II, airport firefighter III or train-
2 ing and safety officer which examination failed to reveal evidence of
3 any disease or other impairment of the heart or such melanoma or condi-
4 tion, shall be presumptive evidence that it was incurred in the perform-
5 ance and discharge of duty, unless the contrary be proven by competent
6 evidence and shall be paid a performance of duty disability retirement
7 allowance equal to that which is provided in section sixty-three of this
8 chapter, subject to the provisions of sections sixty-three and sixty-
9 four of this chapter.

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

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

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

42 ~~e.~~ f. If the member, at the time of the filing of such application,
43 is eligible for a service retirement benefit, then and in that event,
44 such member may simultaneously file an application for service retire-
45 ment, provided that the member indicates on the application for service
46 retirement that such application is filed without prejudice to the
47 application for performance of duty disability retirement.

48 § 3. This act shall take effect immediately.