

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 45

AN ACT

To repeal sections 287.245 and 537.620, RSMo, and to enact in lieu thereof three new sections relating to benefits for certain firefighters as a result of employment as a firefighter.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 287.245 and 537.620, RSMo, are
 2 repealed and three new sections enacted in lieu thereof, to be
 3 known as sections 287.245, 320.400, and 537.620, to read as
 4 follows:

287.245. 1. As used in this section, the following
 2 terms shall mean:

3 (1) "Association", volunteer fire protection
 4 associations as defined in section 320.300;

5 (2) "State fire marshal", the state fire marshal
 6 selected under the provisions of sections 320.200 to 320.270;

7 (3) "Volunteer firefighter", the same meaning as in
 8 section 287.243;

9 (4) "Voluntary firefighter cancer benefits pool" or
 10 "pool", the same meaning as in section 320.400.

11 2. (1) Any association may apply to the state fire
 12 marshal for a grant for the purpose of funding such
 13 association's costs related to workers' compensation
 14 insurance premiums for volunteer firefighters.

15 (2) Any voluntary firefighter cancer benefits pool may
 16 apply to the state fire marshal for a grant for the purpose
 17 of establishing a voluntary firefighter cancer benefits
 18 pool. This subdivision shall expire June 30, 2023.

19 3. Subject to appropriations, the state fire marshal
 20 [shall] may disburse grants to [each] any applying volunteer

fire protection association [according] subject to the following schedule:

(1) Associations which had zero to five volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;

(2) Associations which had six to ten volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;

(3) Associations which had eleven to fifteen volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;

(4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.

4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters or establishing a voluntary firefighter cancer benefits pool.

320.400. 1. For purposes of this section, the following terms mean:

(1) "Covered individual", a firefighter who:

4 (a) Is a paid employee or is a volunteer firefighter
5 as defined in section 320.333;

6 (b) Has been assigned to at least five years of
7 hazardous duty as a firefighter;

8 (c) Was exposed to an agent classified by the
9 International Agency for Research on Cancer, or its
10 successor organization, as a group 1 or 2A carcinogen, or
11 classified as a cancer causing agent by the American Cancer
12 Society, the American Association for Cancer Research, the
13 Agency for Health Care Policy and Research, the American
14 Society for Clinical Oncology, the National Institute for
15 Occupational Safety and Health, or the United States
16 National Cancer Institute;

17 (d) Was last assigned to hazardous duty as a
18 firefighter within the previous fifteen years; and

19 (e) Is not seventy years of age or older at the time
20 of the diagnosis of cancer;

21 (2) "Dependent", the same meaning as in section
22 287.240;

23 (3) "Employer", any political subdivision of the
24 state;

25 (4) "Voluntary firefighter cancer benefits pool" or
26 "pool", an entity described in section 537.620 that is
27 established for the purposes of this section.

28 2. (1) Three or more employers may create a voluntary
29 firefighter cancer benefits pool for the purpose of this
30 section. An employer may make contributions into the
31 voluntary firefighter cancer benefits pool established for
32 the purpose of this section. The contribution levels and
33 award levels shall be set by the board of trustees of the
34 pool.

35 (2) For an employer that chooses to make contributions
36 into the voluntary firefighter cancer benefits pool, the

37 pool shall provide the minimum benefits specified by the
38 board of trustees of the pool to covered individuals, based
39 on the award level of the cancer at the time of diagnosis,
40 after the employer becomes a participant.

41 (3) Benefit levels shall be established by the board
42 of trustees of the pool based on the category and stage of
43 the cancer.

44 (4) In addition to an award pursuant to subdivision
45 (3) of this subsection:

46 (a) A payment may be made from the pool to a covered
47 individual for the actual award, up to twenty-five thousand
48 dollars, for rehabilitative or vocational training
49 employment services and educational training relating to the
50 cancer diagnosis;

51 (b) A payment may be made to covered individual of up
52 to ten thousand dollars if the covered individual incurs
53 cosmetic disfigurement costs resulting from cancer.

54 (5) If the cancer is diagnosed as terminal cancer, the
55 covered individual may receive a lump-sum payment of twenty-
56 five thousand dollars as an accelerated payment toward the
57 benefits due based on the benefit levels established
58 pursuant to subdivision (3) of this subsection.

59 (6) The covered individual may receive additional
60 awards if the cancer increases in award level, but the
61 amount of any benefit paid earlier for the same cancer may
62 be subtracted from the new award.

63 (7) If a covered individual dies while owed benefits
64 pursuant to this section, the benefits shall be paid to the
65 dependent or domestic partner, if any, at the time of
66 death. If there is no dependent or domestic partner, the
67 obligation of the pool to pay benefits shall cease.

68 (8) If a covered individual returns to the same
69 position of employment after a cancer diagnosis, the covered

individual may receive benefits in this section for any subsequent new type of covered cancer diagnosis.

(9) The benefits payable pursuant to this section shall be reduced by twenty-five percent if a covered individual used a tobacco product within the five years immediately preceding the cancer diagnosis.

(10) A claim for benefits from the pool shall be filed no later than two years after the diagnosis of the cancer. The claim for each type of cancer needs to be filed only once to allow the pool to increase the award level pursuant to subdivision (3) of this subsection.

(11) For purposes of all other employment policies and benefits that are not workers' compensation benefits payable under chapter 287, health insurance, and any benefits paid pursuant to chapter 208, a covered individual's cancer diagnosis shall be treated as an on-the-job injury or illness.

3. The board of trustees of the pool may:

(1) Create a program description to further define or modify the benefits of this section;

(2) Modify the contribution rates, benefit levels, including the maximum amount, consistent with subdivision (1) of this subsection, and structure of the benefits based on actuarial recommendations and with input from a committee of the pool; and

(3) Set a maximum amount of benefits that may be paid to a covered individual for each cancer diagnosis.

4. The board of trustees of the pool shall be considered a public governmental body and shall be subject to all of the provisions of chapter 610.

5. A pool may accept or apply for any grants or donations from any private or public source.

102 6. (1) Any pool may apply to the state fire marshal
103 for a grant for the purpose of establishing a voluntary
104 firefighter cancer benefits pool. The state fire marshal
105 shall disburse grants to the pool upon receipt of the
106 application.

107 (2) The state fire marshal may grant money disbursed
108 under section 287.245 to be used for the purpose of setting
109 up a pool.

110 (3) This subsection shall expire on June 30, 2023.

111 7. (1) This subsection shall not affect any
112 determination as to whether a covered individual's cancer
113 arose out of and in the course of employment and is a
114 compensable injury pursuant to chapter 287. Receipt of
115 benefits from the pool under this section shall not be
116 considered competent evidence or proof by itself of a
117 compensable injury under chapter 287.

118 (2) Should it be determined that a covered
119 individual's cancer arose out of and in the course of
120 employment and is a compensable injury under chapter 287,
121 the compensation and death benefit provided under chapter
122 287 shall be reduced one hundred percent by any benefits
123 received from the pool under this section.

124 (3) The employer in any claim made pursuant to chapter
125 287 shall be subrogated to the right of the employee or to
126 the dependent or domestic partner to receive benefits from
127 the pool and such employer may recover any amounts which
128 such employee or the dependent or domestic partner would
129 have been entitled to recover from the pool under this
130 section. Any receipt of benefits from the pool under this
131 section shall be treated as an advance payment by the
132 employer, on account of any future installments of benefits
133 payable pursuant to chapter 287.

537.620. Notwithstanding any direct or implied
2 prohibitions in chapter 375, 377, or 379, any three or more
3 political subdivisions of this state may form a business
4 entity for the purpose described in section 320.400 or for
5 the purpose of providing liability and all other insurance,
6 including insurance for elderly or low-income housing in
7 which the political subdivision has an insurable interest,
8 for any of the subdivisions upon the assessment plan as
9 provided in sections 537.600 to 537.650. Any public
10 governmental body or quasi-public governmental body, as
11 defined in section 610.010, and any political subdivision of
12 this state or any other state may join this entity and use
13 public funds to pay any necessary assessments. Except for
14 being subject to the regulation of the director of the
15 department of commerce and insurance under sections 375.930
16 to 375.948, sections 375.1000 to 375.1018, and sections
17 537.600 to 537.650, any such business entity shall not be
18 deemed to be an insurance company or insurer under the laws
19 of this state, and the coverage provided by such entity and
20 the administration of such entity shall not be deemed to
21 constitute the transaction of an insurance business. Risk
22 coverages procured under this section shall not be deemed to
23 constitute a contract, purchase, or expenditure of public
24 funds for which a public governmental body, quasi-public
25 governmental body, or political subdivision is required to
26 solicit competitive bids.