

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0714.02 Yelana Love x2295

SENATE BILL 26-184

SENATE SPONSORSHIP

Rodriguez,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING BENEFITS FOR FIREFIGHTERS WHO CONTRACT CERTAIN
102 CONDITIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law in the "Workers' Compensation Act of Colorado" provides that certain cancers contracted by firefighters are considered occupational diseases presumed to have been a result of the firefighters' employment. A firefighter's employer or an insurer may rebut this presumption by showing by a preponderance of the medical evidence that the cancer did not occur on the job.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

Section 2 of the bill updates the law by:

- Expanding the types of cancer that are considered occupational diseases;
- Affording certain neurological conditions the presumption; and
- Strengthening the presumption to require an employer to show clear and convincing evidence that the cancer did not occur on the job.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Firefighters are routinely exposed to carcinogens, heavy
5 metals, neurotoxins, and combustion by-products in the course of their
6 duties, resulting in a significantly elevated risk of cancer and neurological
7 disease;

8 (b) Colorado created a presumption regarding the occupational
9 causation of certain cancers in order to provide greater protections under
10 the "Workers' Compensation Act of Colorado" to recognize the risks
11 firefighters are exposed to;

12 (c) Scientific and occupational health data demonstrate increased
13 incidence of Parkinson's disease, multiple myeloma, non-Hodgkin
14 lymphoma, and bladder and respiratory cancers among firefighters; and

15 (d) The presumption of occupational causation and protections
16 within the "Workers' Compensation Act of Colorado" must be expanded,
17 strengthened, and made conclusive to ensure fairness, prompt claims
18 processing, and timely payment of benefits to firefighters with these
19 conditions.

20 (2) Accordingly, the general assembly:

21 (a) Extends the presumption and protections within the "Workers'

1 Compensation Act of Colorado" to firefighters diagnosed with
2 Parkinson's disease and related movement disorders;

3 (b) Mandates a presumption of occupational causation when
4 benefits are claimed by a firefighter for certain cancers and neurological
5 conditions, unless the presumption is rebutted by clear and convincing
6 medical evidence; and

7 (c) Prevents an employer from using the absence of a prior,
8 baseline medical examination as a basis to deny a firefighter's claim for
9 benefits.

10 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
11 **with amendments,** 8-41-209 as follows:

12 **8-41-209. Coverage for occupational diseases contracted by**
13 **firefighters - rebuttable presumption - short title - definitions.**

14 (1) THE SHORT TITLE OF THIS SECTION IS THE "FIREFIGHTER
15 PRESUMPTIVE CANCER AND OCCUPATIONAL DISEASE PROTECTION ACT".

16 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES:

18 (a) "CANCER" MEANS:

19 (I) MALIGNANT NEOPLASMS OF THE LIP, TONGUE, SALIVARY
20 GLAND, FLOOR OF MOUTH, GUM AND OTHER MOUTH, TONSIL,
21 OROPHARYNX, HYPOPHARYNX, AND OTHER ORAL CAVITY AND PHARYNX;

22 (II) MALIGNANT NEOPLASM OF THE NASOPHARYNX;

23 (III) MALIGNANT NEOPLASMS OF THE NOSE, NASAL CAVITY,
24 MIDDLE EAR, AND ACCESSORY SINUSES;

25 (IV) MALIGNANT NEOPLASM OF THE LARYNX;

26 (V) MALIGNANT NEOPLASM OF THE ESOPHAGUS;

27 (VI) MALIGNANT NEOPLASM OF THE STOMACH;

- 1 (VII) MALIGNANT NEOPLASMS OF THE COLON AND RECTUM;
- 2 (VIII) MALIGNANT NEOPLASMS OF THE LIVER AND INTRAHEPATIC
- 3 BILE DUCT;
- 4 (IX) MALIGNANT NEOPLASMS OF THE RETROPERITONEUM AND
- 5 PERITONEUM; OMENTUM; AND MESENTERY;
- 6 (X) MALIGNANT NEOPLASMS OF THE TRACHEA; BRONCHUS AND
- 7 LUNG; HEART, MEDIASTINUM, AND PLEURA; AND OTHER ILL-DEFINED SITES
- 8 IN THE RESPIRATORY SYSTEM AND INTRATHORACIC ORGANS;
- 9 (XI) MESOTHELIOMA;
- 10 (XII) MALIGNANT NEOPLASMS OF THE PERIPHERAL NERVES AND
- 11 AUTONOMIC NERVOUS SYSTEM; AND OTHER CONNECTIVE AND SOFT
- 12 TISSUE;
- 13 (XIII) MALIGNANT NEOPLASMS OF THE SKIN SUCH AS MELANOMA
- 14 AND NONMELANOMA, INCLUDING SCROTAL CANCER;
- 15 (XIV) MALIGNANT NEOPLASM OF THE FEMALE BREAST;
- 16 (XV) MALIGNANT NEOPLASMS OF CORPUS UTERI AND UTERUS,
- 17 PART UNSPECIFIED;
- 18 (XVI) MALIGNANT NEOPLASM OF THE OVARY;
- 19 (XVII) MALIGNANT NEOPLASM OF THE PROSTATE;
- 20 (XVIII) MALIGNANT NEOPLASM OF THE URINARY BLADDER;
- 21 (XIX) MALIGNANT NEOPLASM OF THE KIDNEY;
- 22 (XX) MALIGNANT NEOPLASMS OF THE RENAL PELVIS; URETER;
- 23 AND OTHER URINARY ORGANS;
- 24 (XXI) MALIGNANT NEOPLASMS OF THE EYE AND ORBIT;
- 25 (XXII) MALIGNANT NEOPLASM OF THE THYROID; AND
- 26 (XXIII) MALIGNANT NEOPLASMS OF THE BLOOD AND LYMPHOID
- 27 TISSUES INCLUDING, BUT NOT LIMITED TO, LYMPHOMA, LEUKEMIA, AND

1 MYELOMA.

2 (b) "COVERED INDIVIDUAL" MEANS A FIREFIGHTER WHO, AT THE
3 TIME OF THE DIAGNOSIS OF THE CONDITION FOR WHICH THE FIREFIGHTER
4 IS RECEIVING BENEFITS, HAS AT LEAST FIVE YEARS OF CUMULATIVE FULL-
5 OR PART-TIME EMPLOYMENT OR VOLUNTEER SERVICE WITH ONE OR MORE
6 EMPLOYERS AND:

7 (I) IS CURRENTLY SERVING AS A FIREFIGHTER; OR

8 (II) HAS BEEN SEPARATED OR RETIRED FROM SERVICE AS A
9 FIREFIGHTER FOR NO MORE THAN ONE YEAR FOR EACH YEAR OF SERVICE,
10 FOR A PERIOD OF UP TO TEN YEARS.

11 (c) "FIREFIGHTER" MEANS A FULL- OR PART-TIME EMPLOYEE OR
12 VOLUNTEER OF ANY EMPLOYER WHOSE DUTIES ARE DIRECTLY INVOLVED
13 WITH THE PROVISION OF FIRE PROTECTION SERVICES. "FIREFIGHTER"
14 INCLUDES:

15 (I) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION
16 31-30-1102 (9)(a);

17 (II) A SEASONAL WILDLAND FIREFIGHTER, AS DEFINED IN SECTION
18 24-33.5-1202 (12.5);

19 (III) A HAZARDOUS MATERIALS TROOPER, AS DEFINED IN SECTION
20 29-5-402 (4.5);

21 (IV) AN INDIVIDUAL DESCRIBED IN THIS SUBSECTION (2)(c) WHO
22 PROVIDES VOLUNTEER SERVICES TO A FIRE AUTHORITY CREATED BY AN
23 INTERGOVERNMENTAL AGREEMENT; AND

24 (V) AN INDIVIDUAL WHO PROVIDES ANY COMBINATION OF THE
25 EMPLOYMENT OR VOLUNTEER FIRE SERVICES OTHERWISE DESCRIBED OR
26 INCLUDED IN THIS SUBSECTION (2)(c).

27 (d) "NEUROLOGICAL DISEASE" MEANS PARKINSON'S DISEASE AND

1 PARKINSONISM.

2 (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, IF
3 A COVERED INDIVIDUAL IS DIAGNOSED WITH OR DIES FROM ANY OF THE
4 FOLLOWING CONDITIONS, THE CONDITION IS PRESUMED TO BE AN
5 OCCUPATIONAL DISEASE ARISING OUT OF AND CONTRACTED IN THE
6 COURSE OF THEIR EMPLOYMENT OR SERVICE AS A FIREFIGHTER:

7 (a) CANCER; OR

8 (b) NEUROLOGICAL DISEASE.

9 (4) (a) AN EMPLOYER MAY REBUT THE PRESUMPTION SET FORTH IN
10 SUBSECTION (3) OF THIS SECTION WITH CLEAR AND CONVINCING MEDICAL
11 EVIDENCE THAT:

12 (I) THE CONDITION IS A PREEXISTING CONDITION ABOUT WHICH
13 THE COVERED INDIVIDUAL KNOWINGLY AND INTENTIONALLY FALSIFIED
14 INFORMATION DURING THE HIRING PROCESS; OR

15 (II) THE CONDITION WAS CAUSED SOLELY BY A NONOCCUPATIONAL
16 CIRCUMSTANCE OR EVENT SUCH THAT THE CONDITION IS ENTIRELY
17 UNRELATED TO THE COVERED INDIVIDUAL'S EMPLOYMENT OR SERVICE AS
18 A FIREFIGHTER.

19 (b) EVIDENCE OF A COVERED INDIVIDUAL'S TOBACCO USE, GENETIC
20 PREDISPOSITION, FAMILY HISTORY, OR FAILURE TO OBTAIN A
21 PREEMPLOYMENT MEDICAL SCREENING OR PHYSICAL EXAMINATION IS NOT
22 ENOUGH EVIDENCE ALONE TO REBUT THE PRESUMPTION DESCRIBED IN
23 SUBSECTION (3) OF THIS SECTION.

24 **SECTION 3.** In Colorado Revised Statutes, **repeal** 29-5-405 as
25 follows:

26 **29-5-405. Exclusion from coverage.**

27 ~~Regardless of the funding provided, an employer who participates~~

1 ~~in the firefighter cancer benefits program created in this part 4 is not~~
2 ~~subject to section 8-41-209 (1) and (2) unless the employer ends~~
3 ~~participation in the program.~~

4 **SECTION 4. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly (August 12, 2026, if adjournment sine die is on May 13,
8 2026); except that, if a referendum petition is filed pursuant to section 1
9 (3) of article V of the state constitution against this act or an item, section,
10 or part of this act within such period, then the act, item, section, or part
11 will not take effect unless approved by the people at the general election
12 to be held in November 2026 and, in such case, will take effect on the
13 date of the official declaration of the vote thereon by the governor.

14 (2) This act applies to claims filed on or after the applicable
15 effective date of this act.