



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 26-184: FIREFIGHTER CANCER BENEFITS & WORKERS' COMP

Prime Sponsors:

Sen. Rodriguez; Ball
Rep. Carter; Mabrey

Fiscal Analyst:

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Published for: House State Affairs

Drafting number: LLS 26-0714

Version: Second Revised Note

Date: May 8, 2026

Fiscal note status: The revised fiscal note reflects the reengrossed bill. It has also been updated to reflect additional information and analysis.

Summary Information

Overview. The bill creates a legal presumption that certain types of cancers are a result of a firefighter’s employment or service and confers eligibility for workers’ compensation.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Expenditure
- Local Government

Appropriations. No appropriation is required.

**Table 1
State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	Potential increase	Potential increase
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

In workers' compensation claims, certain cancers contracted by firefighters are considered occupational diseases, and presumed to be a result of the firefighters' employment. This bill expands the types of cancer that are presumed to be occupational diseases, and extends the presumption to include neurological disease. A local government employer may rebut the presumption with medical evidence that:

- the condition is preexisting and the claimant intentionally falsified information during hiring; or,
- the condition was caused solely by a nonoccupational circumstance and is unrelated to the claimant's service as a firefighter; however, a claimant's tobacco use, genetic predisposition, family history, or failure to obtain proper health screening is not sufficient evidence alone to rebut the presumption.

The bill applies to firefighters with at least five years of cumulative full- or part-time employment or volunteer service; however, the requirements do not apply to a firefighter employed by the state. A retired firefighter is also covered for up to ten years after employment, one year of coverage for each year of the person's employed service.

The bill repeals the exclusion to these requirements that currently exists for employers participating in the firefighter cancer benefits program, a multiple employer health trust.

State Expenditures

The bill potentially increases costs for legal services and workers' compensation benefits in the State Office of Risk Management (SORM) in the Department of Personnel and Administration. The SORM manages the state's self-funded liability, property, and workers' compensation insurance programs. It is funded through assessments paid by agencies based on past experience and actuarial assumptions each budget cycle. These potential costs are outlined below.

Litigation Costs

The bill expands the types of cancer and neurological diseases that are considered occupational diseases for firefighters, while exempting the state firefighters from this coverage. According to the DPA, this may create an equal protection claim based on differing treatment of similarly situated firefighters in the workers' compensation system. The fiscal note assumes the General Assembly has the plenary authority to outline in statute when presumptions of eligibility for workers' compensation claims apply. If litigation is filed challenging these eligibility criteria, DPA will have additional legal costs. The exact amount and timing of any litigation costs will depend on the number of cases and how they progress through the courts, and are assumed to be addressed through the annual budget process, if incurred.

Workers' Compensation Claims

If litigation occurs and the courts determine that the conditions outlined as occupational diseases for firefighters should also apply to state firefighters, or if the presumption for other firefighters results in state firefighters being more likely to prevail in their workers compensation claims, state costs will increase for additional workers' compensation claims and benefits. If the bill is determined to apply to state firefighters, costs are estimated to increase by up to \$1 million per year claim. The state employees 160 firefighters in the Department of Public Safety.

Department of Labor and Employment

Workload in the Department of Labor and Employment to implement the bill and perform any necessary rulemaking. No change in appropriations is required.

Local Government

The bill increases workers' compensation costs for cities, special districts, and other local governments that employ firefighters. For local governments that self-insure or currently rely on multi-employer trusts for coverage, adding an immediate presumption of occupational diseases and extending the duration of coverage will result in higher premiums and may result in stricter underwriting for policies. Increasing the number of complex claims will also increase local government costs for legal services to navigate cases and resolve disputes. These costs are assumed to be about \$1 million per claim, including benefits and medical expenses.

Departmental Difference

The DPA estimates the bill requires a \$2 million General Fund appropriation in FY 2026-27, based on the assumption that the state's Risk Management Fund cannot absorb any litigation costs in the upcoming fiscal year. While the fiscal note acknowledges that the bill may lead to a claim against the state; it is assumed that any increase in costs for defending or settling claims, if they materialize, will be addressed through the annual budget process, and no additional appropriation is required in this bill.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to claims received on or after that date.

State and Local Government Contacts

Counties

Pinnacol Assurance

Law

Public Safety

Municipalities

Special District Association

Personnel