

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0418.01 Jed Franklin x5484

HOUSE BILL 24-1219

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A BILL FOR AN ACT

101 **CONCERNING STATE-FUNDED PROGRAMS FOR FIRST RESPONDERS**
102 **THROUGH MULTIPLE EMPLOYER HEALTH BENEFIT TRUSTS.**

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>.)

The bill makes 2 principal changes to current firefighter benefit programs. First, the bill expands state funding for the firefighter heart and circulatory malfunction benefits program to include paid part-time and volunteer firefighters. Second, the bill provides state funding for the firefighter cancer benefits program for eligible firefighters.

Current law requires an employer to provide access to specified heart and circulatory malfunction benefits to eligible, full-time

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.

firefighters and the employer is reimbursed by the state for providing the full-time firefighter benefits. Current law also specifies that if funding to reimburse the employer is insufficient, then the requirement to provide the specified cardiac benefits is optional. The bill requires employers to provide access to certain heart and circulatory malfunction benefits to part-time and volunteer firefighters. This requirement likewise becomes voluntary if funding is insufficient.

Current law authorizes employers to voluntarily participate in a cancer trust for firefighter benefits. The bill requires an employer of an eligible firefighter to participate, but specifies that if funding to reimburse the employer is insufficient, participation in the trust becomes optional.

The bill also requires an employer to participate in a funded trust to provide cardiovascular screenings, at a minimum, and other health screenings and prevention, as practicable, to peace officers. The trust is reimbursed by the state for providing the benefits, and if funding to reimburse the trust is insufficient, then the requirement for employers to provide the specified program is optional.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 29-5-301 as
3 follows:

4 **29-5-301. Definitions.** As used in this part 3, unless the context
5 otherwise requires:

6 (1) "COVERED INDIVIDUAL" MEANS A FIREFIGHTER, PART-TIME
7 FIREFIGHTER, OR VOLUNTEER FIREFIGHTER WHO MEETS THE COVERAGE
8 REQUIREMENTS IN SECTION 29-5-302 (9).

9 ~~(1)~~ (2) "Employer" means a municipality, special district, fire
10 authority, or county improvement district that employs one or more
11 ~~firefighters~~ COVERED INDIVIDUALS. Beginning July 1, 2020, "employer"
12 also means the division of fire prevention and control created in section
13 24-33.5-1201. "Employer" does not include a power authority created
14 pursuant to section 29-1-204 or a municipally owned utility.

15 ~~(2)~~ (3) "Firefighter" means a full-time, active employee of an
16 employer who regularly works at least one thousand six hundred hours in

1 any calendar year and whose duties are directly involved with the
2 provision of fire protection services.

3 ~~(3)~~ (4) "Heart and circulatory malfunction" means a sudden and
4 serious malfunction of the heart and circulatory system as occurs in a
5 diagnosis of coronary thrombosis, cerebral vascular accident, myocardial
6 infarction, or cardiac arrest and that meets the requirements of section
7 29-5-302 (6). "Heart and circulatory malfunction" does not include
8 hypertension or angina.

9 (5) "PART-TIME FIREFIGHTER" MEANS AN ACTIVE EMPLOYEE OF AN
10 EMPLOYER WHO REGULARLY WORKS LESS THAN ONE THOUSAND SIX
11 HUNDRED HOURS IN ANY CALENDAR YEAR, WHOSE DUTIES ARE DIRECTLY
12 INVOLVED WITH THE PROVISION OF FIRE PROTECTION SERVICES, AND WHO
13 IS NOT A VOLUNTEER FIREFIGHTER.

14 ~~(4)~~ (6) "Volunteer firefighter" means EITHER a volunteer
15 firefighter as defined in section 31-30-1102 ~~C.R.S.~~ OR AN INDIVIDUAL
16 WHO PROVIDES VOLUNTEER SERVICES TO A FIRE AUTHORITY THAT IS
17 CREATED BY AN INTERGOVERNMENTAL AGREEMENT THAT PROVIDES FIRE
18 PROTECTION.

19 ~~(5)~~ (7) "Work event" means stressful or strenuous activity related
20 to fire suppression, rescue, hazardous material response, emergency
21 medical services, disaster relief, or other emergency response activity.
22 "Work event" includes a training activity that a ~~firefighter~~ COVERED
23 INDIVIDUAL engages in while on duty and that involves stressful or
24 strenuous activity.

25 **SECTION 2.** In Colorado Revised Statutes, 29-5-302, **amend** (1),
26 (2)(a), (2)(b), (2)(d), (2)(e), (3), (4), (5), (8), (9) introductory portion,
27 (9)(a), (9)(b), and (11)(a) as follows:

1 **29-5-302. Required benefits - conditions of receiving benefits.**

2 (1) An employer shall maintain accident insurance, self-insure, or
3 participate in a self-insurance pool or a multiple employer health trust in
4 order to provide the benefits specified in this section for ~~its firefighters.~~
5 ~~In addition, an employer may provide equivalent benefits for volunteer~~
6 ~~firefighters~~ COVERED INDIVIDUALS UNLESS THE FUNDING PROVIDED FOR
7 THE BENEFIT REQUIRED BY THIS SECTION IS INSUFFICIENT PURSUANT TO
8 SUBSECTION (12) OF THIS SECTION.

9 (2) An employer shall provide the following minimum benefits:

10 (a) (I) A four-thousand-dollar-lump-sum payment if a medical
11 examination reveals that a ~~firefighter~~ COVERED INDIVIDUAL has a heart
12 and circulatory malfunction; and

13 (II) A one-thousand-five-hundred-dollar payment per week, up to
14 a maximum of seven weeks, if a ~~firefighter~~ COVERED INDIVIDUAL made
15 an emergency room visit and was hospitalized for up to forty-eight hours
16 for a heart and circulatory malfunction;

17 (b) (I) A two-thousand-dollar payment per week, up to a
18 maximum of twenty-five weeks, if a ~~firefighter~~ COVERED INDIVIDUAL
19 made an emergency room visit and was hospitalized for more than
20 forty-eight hours for a heart and circulatory malfunction; or

21 (II) A two-thousand-five-hundred-dollar payment PER WEEK, up
22 to a maximum of eighty weeks, if a ~~firefighter~~ COVERED INDIVIDUAL has
23 a heart and circulatory malfunction that prohibits the ~~firefighter~~ COVERED
24 INDIVIDUAL from returning to employment to a position that the
25 ~~firefighter~~ COVERED INDIVIDUAL is trained for or reasonably could be
26 trained to perform;

27 (d) A ten-thousand-dollar payment if a ~~firefighter~~ COVERED

1 INDIVIDUAL incurs cosmetic disfigurement resulting from a heart and
2 circulatory malfunction; and

3 (e) If the covered heart and circulatory malfunction is diagnosed
4 as terminal, ~~the firefighter will receive~~ a lump sum payment of
5 twenty-five thousand dollars as an accelerated payment toward the
6 benefits due in ~~paragraphs (a) and (b) of this subsection (2)~~ SUBSECTIONS
7 (2)(a) AND (2)(b) OF THIS SECTION.

8 (3) The receipt of a payment pursuant to ~~subparagraph (H) of~~
9 ~~paragraph (a) or subparagraph (I) of paragraph (b) of subsection (2) of~~
10 ~~this section~~ SUBSECTION (2)(a)(II) OR (2)(b)(I) OF THIS SECTION does not
11 prohibit the ~~firefighter~~ COVERED INDIVIDUAL from receiving an additional
12 benefit.

13 (4) If a ~~firefighter~~ COVERED INDIVIDUAL returns to the same
14 position of employment after a heart and circulatory malfunction, the
15 ~~firefighter~~ COVERED INDIVIDUAL is entitled to the benefits in subsection
16 (2) of this section for any subsequent heart and circulatory malfunction.

17 (5) The maximum amount that may be paid to a ~~firefighter~~
18 COVERED INDIVIDUAL for each heart and circulatory malfunction is two
19 hundred fifty thousand dollars.

20 (8) The benefits in this section are reduced by twenty-five percent
21 if a ~~firefighter~~ COVERED INDIVIDUAL smoked a tobacco product within
22 five years immediately preceding the work event.

23 (9) In order for a ~~firefighter~~ COVERED INDIVIDUAL to be eligible
24 for the benefits in subsection (2) of this section, the following conditions
25 must be met:

26 (a) Prior to the work event that results in a heart and circulatory
27 malfunction and after the ~~firefighter~~ COVERED INDIVIDUAL became

1 employed by an employer, the ~~firefighter~~ COVERED INDIVIDUAL had a
2 medical examination that would reasonably have found an illness or
3 injury that could have caused the heart and circulatory malfunction and
4 no illness or injury was found at the most recent SUCH medical
5 examination;

6 (b) ~~The~~ A COVERED INDIVIDUAL WHO IS A firefighter ~~has~~ MUST
7 HAVE at least five years of continuous, full-time employment with an
8 employer; ~~except~~ A COVERED INDIVIDUAL WHO IS A PART-TIME
9 FIREFIGHTER MUST HAVE AT LEAST FIVE YEARS OF CONTINUOUS,
10 PART-TIME OR FULL-TIME EMPLOYMENT WITH AN EMPLOYER; AND A
11 COVERED INDIVIDUAL WHO IS a volunteer firefighter must have AT LEAST
12 five years of continuous service with the same employer; and

13 (11)(a) There is hereby created in the state treasury the firefighter
14 benefits cash fund. The fund consists of ~~moneys~~ MONEY appropriated
15 from the general fund by the general assembly. The ~~moneys~~ MONEY in the
16 fund ~~are~~ IS subject to annual appropriation by the general assembly to the
17 department of local affairs for the purpose of reimbursing employers for
18 the direct costs of maintaining accident insurance, self-insurance, or
19 participation in a self-insurance pool or multiple employer health trust as
20 required by this part 3 AND PART 4 OF ARTICLE 5 OF TITLE 29.

21 **SECTION 3.** In Colorado Revised Statutes, 29-5-403, **amend** (1)
22 and (2) as follows:

23 **29-5-403. Required benefits - conditions of receiving benefits.**

24 (1) An employer ~~may~~ SHALL participate in ~~the voluntary firefighter~~
25 ~~cancer benefits program by paying contributions into~~ AND MAKE
26 CONTRIBUTIONS TO a multiple employer health trust as set forth in section
27 10-3-903.5 (7)(b)(I), established for the purposes of this part 4. The

1 contribution levels, IF ANY, and award level definitions will be set by the
2 trust. IF AT ANY TIME THE FUNDING PROVIDED [REDACTED] IS INSUFFICIENT TO
3 COVER THE COST OF THE PROGRAM REQUIRED BY THIS SECTION, THEN
4 PARTICIPATION IN THE PROGRAM IS OPTIONAL PURSUANT TO SECTION
5 29-1-304.5.

6 (2) ~~For an employer choosing to participate in the voluntary~~ A
7 MULTIPLE EMPLOYER HEALTH TRUST THAT IS ESTABLISHED TO PROVIDE A
8 firefighter cancer benefits program ~~the trust~~ shall provide the minimum
9 benefits specified in subsection (3) of this section to covered individuals
10 diagnosed with cancer, based on the award level of the cancer at the time
11 of diagnosis, after the employer becomes a participant.

12 [REDACTED]
13 **SECTION 4.** In Colorado Revised Statutes, **amend** 29-5-405 as
14 follows:

15 **29-5-405. Exclusion from coverage.** REGARDLESS OF THE
16 FUNDING PROVIDED, an employer who participates in the ~~voluntary~~
17 firefighter cancer benefits program created in this part 4 is not subject to
18 section 8-41-209 (1) and (2) unless the employer ends participation in the
19 program.

20 **SECTION 5.** In Colorado Revised Statutes, **add** part 6 to article
21 5 of title 29 as follows:

22 PART 6

23 PUBLIC SAFETY CARDIAC SCREENING TRUST

24 **29-5-601. Legislative declaration.** (1) THE GENERAL ASSEMBLY
25 FINDS AND DECLARES THAT:

26 (a) IT IS IMPORTANT TO PROVIDE COLORADO PEACE OFFICERS WITH
27 ACCESS TO LIFE-SAVING HEALTH SCREENINGS THAT HAVE BEEN PROVEN TO

1 MITIGATE THE PHYSICAL HEALTH EFFECTS OF EXPOSURE TO MULTIPLE
2 TRAUMATIC EVENTS EXPERIENCED BY PEACE OFFICERS IN THE COURSE OF
3 THEIR DUTIES;

4 (b) EXPOSURE TO THESE TRAUMATIC EVENTS AND OTHER
5 JOB-RELATED STRESS FACTORS ARE ASSOCIATED WITH EARLY ONSET
6 CARDIAC DISEASE AND OTHER CARDIAC-RELATED HEALTH ISSUES THAT
7 ARE FOUND AT A MUCH HIGHER RATE AMONG PEACE OFFICERS;

8 (c) EARLY INTERVENTION HAS BEEN FOUND TO BE KEY IN
9 COMBATING THE TRAGIC HEALTH CONSEQUENCES OF WORKING IN PUBLIC
10 SAFETY;

11 (d) THIS PART 6 PROVIDES FUNDING FOR COSTS ASSOCIATED WITH
12 OBTAINING THESE IMPORTANT SCREENINGS AND OTHER RECOMMENDED
13 TESTING;

14 (e) WHILE OTHER SCREENING MAY BE AVAILABLE, THE
15 SCREENINGS PROVIDED THROUGH A TRUST MODEL ARE TARGETED AND
16 TAILORED TO INDIVIDUALS SERVING IN PUBLIC SAFETY ROLES;

17 (f) THE TRUST MODEL HAS BEEN PROVEN TO BE SUCCESSFUL AND
18 SHOULD BE ADOPTED STATEWIDE IN ORDER TO SCREEN MORE PUBLIC
19 SAFETY PERSONNEL;

20 (g) CARDIAC AND OTHER HEALTH SCREENINGS ARE AN EFFICIENT
21 USE OF PUBLIC RESOURCES BECAUSE EARLY SCREENING CAN HELP PUBLIC
22 SAFETY PERSONNEL GET NECESSARY TREATMENT AND AVOID MUCH
23 HIGHER COSTS; AND

24 (h) THIS VITAL SCREENING MAY ALLOW SEASONED PROFESSIONALS
25 TO SERVE IN POSITIONS LONGER, SAVING RESOURCES THAT WOULD BE
26 NECESSARY TO TRAIN NEW EMPLOYEES.

27 **29-5-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "EMPLOYER" MEANS A MUNICIPALITY, COUNTY, DISTRICT
3 ATTORNEY, OR STATE AGENCY THAT EMPLOYS ONE OR MORE PEACE
4 OFFICERS.

5 (2) "PEACE OFFICER" MEANS A PEACE OFFICER DESCRIBED IN
6 SECTION 16-2.5-101 (1).

7 (3) "TRUST" MEANS A MULTIPLE EMPLOYER HEALTH TRUST
8 DESCRIBED IN SECTION 10-3-903.5 (7)(b)(I) THAT IS ESTABLISHED FOR THE
9 PURPOSES OF THIS PART 6.

10 **29-5-603. Employer participation in health trust required -**
11 **cardiovascular screening for peace officers.** (1) AN EMPLOYER SHALL
12 PARTICIPATE IN A TRUST IN ORDER TO PROVIDE THE PROGRAM SPECIFIED
13 IN THIS SECTION FOR ITS PEACE OFFICERS. IF AT ANY TIME THE FUNDING
14 PROVIDED PURSUANT TO SUBSECTION (3) OF THIS SECTION IS INSUFFICIENT
15 TO COVER THE COST OF THE PROGRAM REQUIRED BY THIS SECTION, THE
16 REQUIREMENT TO PARTICIPATE IN THE PROGRAM BECOMES OPTIONAL
17 PURSUANT TO SECTION 29-1-304.5.

18 (2) A TRUST MUST PROVIDE A PROGRAM THAT IS PLANNED,
19 ORGANIZED, OPERATED, AND MAINTAINED TO COVER THE COSTS
20 ASSOCIATED WITH CARDIOVASCULAR SCREENINGS, AT A MINIMUM, AND
21 OTHER HEALTH SCREENINGS AND PREVENTION, AS PRACTICABLE, FOR
22 PEACE OFFICERS.

23 (3) (a) (I) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY
24 FROM THE GENERAL FUND OR ANY OTHER AUTHORIZED SOURCE TO THE
25 DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF REIMBURSING A
26 MULTIPLE EMPLOYER HEALTH TRUST FOR THE DIRECT COSTS OF PROVIDING
27 A PROGRAM AS REQUIRED BY THIS PART 6.

1 (II) THE DEPARTMENT OF PUBLIC SAFETY MAY SEEK, ACCEPT, AND
2 EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
3 FOR THE PURPOSES OF THIS PART 6.

4 (b) THE DEPARTMENT OF PUBLIC SAFETY SHALL USE MONEY
5 APPROPRIATED PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION OR
6 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS PURSUANT TO
7 SUBSECTION (3)(a)(II) OF THIS SECTION TO REIMBURSE A MULTIPLE
8 EMPLOYER HEALTH TRUST FOR THE DIRECT COSTS OF PROVIDING A
9 PROGRAM AS REQUIRED BY THIS PART 6.

10 (4) AN EMPLOYER MAY CONSENT TO PARTICIPATE IN A VOLUNTARY
11 HEALTH SCREENING AND PREVENTION PROGRAM, IF THE PROGRAM
12 BECOMES OPTIONAL PURSUANT TO SUBSECTION (1) OF THIS SECTION, BY
13 CONTRIBUTING INTO A MULTIPLE EMPLOYER HEALTH TRUST AS SET FORTH
14 IN SECTION 10-3-903.5 (7)(b)(I), WHICH TRUST IS ESTABLISHED FOR THE
15 PURPOSES OF THIS PART 6. THE CONTRIBUTION LEVELS AND AWARD LEVEL
16 DEFINITIONS WILL BE SET BY THE TRUST.

17 **29-5-604. Trust authority.** (1) IN ADDITION TO ANY OTHER
18 AUTHORITY GIVEN TO THE TRUST, THE TRUST HAS THE AUTHORITY TO:

19 (a) CREATE A PROGRAM DESCRIPTION TO FURTHER DEFINE THE
20 SERVICES AVAILABLE PURSUANT TO THIS PART 6;

21 (b) STRUCTURE THE PROGRAM BASED ON ACTUARIAL
22 RECOMMENDATIONS AND WITH INPUT FROM A COMMITTEE OF THE TRUST
23 CONSISTING OF REPRESENTATIVES OF LABOR, MANAGEMENT,
24 ADMINISTRATION, AND EMPLOYERS SERVING DIFFERENT SIZED
25 POPULATIONS, AS DETERMINED BY THE TRUSTEES OF THE TRUST; AND

26 (c) ADOPT POLICIES AND PROCEDURES FOR THE ADMINISTRATION
27 OF THE TRUST.

1 **SECTION 6.** In Colorado Revised Statutes, 8-3.3-114, **amend**
2 (6)(b) as follows:

3 **8-3.3-114. Impasse resolution - fact finding - rules.**

4 (6) (b) Bargaining units of a local government employer that include
5 firefighters, as defined in section ~~29-5-301(2)~~ 29-5-301 (3), must comply
6 with post-fact-finding procedures in section 29-5-210 (9), (10), and (13).

7 **SECTION 7. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.