

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
10/9/23

**BILL 3**

LLS NO. 24-0421.01 Pierce Lively x2059

**INTERIM COMMITTEE BILL**

**Wildfire Matters Review Committee**

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**BILL TOPIC: Firefighter Benefits**

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**A BILL FOR AN ACT**

101     **CONCERNING BENEFITS FOR FIREFIGHTERS, AND, IN CONNECTION**  
102             **THEREWITH, ALLOWING THE INCLUSION OF PAID PART-TIME AND**  
103             **VOLUNTEER FIREFIGHTERS IN THE FIREFIGHTER HEART AND**  
104             **CIRCULATORY MALFUNCTION BENEFITS PROGRAM AND**  
105             **REQUIRING THAT RELEVANT EMPLOYERS PARTICIPATE IN**  
106             **MULTIPLE EMPLOYER HEALTH TRUSTS THAT PROVIDE**  
107             **FIREFIGHTER CANCER BENEFITS PROGRAMS.**

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**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/>.)*

*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words indicate deletions from existing law.*

**Wildfire Matters Review Committee.** The bill makes 2 principal changes to firefighter benefits. First, the bill expands the program for firefighter heart and circulatory malfunction benefits to include paid part-time and volunteer firefighters. Second, the bill requires relevant employers to participate in multiple employer health trusts that provide firefighter cancer benefits programs.

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

19 ~~(3)~~ (4) "Heart and circulatory malfunction" means a sudden and  
20 serious malfunction of the heart and circulatory system as occurs in a  
21 diagnosis of coronary thrombosis, cerebral vascular accident, myocardial  
22 infarction, or cardiac arrest and that meets the requirements of section

1 29-5-302 (6). "Heart and circulatory malfunction" does not include  
2 hypertension or angina.

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

8 ~~(4)~~ (6) "Volunteer firefighter" means EITHER a volunteer  
9 firefighter as defined in section 31-30-1102, ~~C.R.S.~~ OR A PERSON WHO  
10 PROVIDES VOLUNTEER SERVICES TO A FIRE AUTHORITY THAT IS CREATED  
11 BY AN INTERGOVERNMENTAL AGREEMENT THAT PROVIDES FIRE  
12 PROTECTION.

13 ~~(5)~~ (7) "Work event" means stressful or strenuous activity related  
14 to fire suppression, rescue, hazardous material response, emergency  
15 medical services, disaster relief, or other emergency response activity.  
16 "Work event" includes a training activity that a ~~firefighter~~ COVERED  
17 INDIVIDUAL engages in while on duty and that involves stressful or  
18 strenuous activity.

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

22 **29-5-302. Required benefits - conditions of receiving benefits.**

23 (1) An employer shall maintain accident insurance, self-insure, or  
24 participate in a self-insurance pool or a multiple employer health trust in  
25 order to provide the benefits specified in this section for ~~its firefighters.~~  
26 ~~In addition, an employer may provide equivalent benefits for volunteer~~  
27 ~~firefighters.~~ COVERED INDIVIDUALS, UNLESS THE FUNDING PROVIDED FOR

1 THE BENEFIT REQUIRED BY THIS SECTION IS INSUFFICIENT PURSUANT TO  
2 SUBSECTION (12) OF THIS SECTION.

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

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

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

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

15 (II) A two-thousand-five-hundred-dollar payment PER WEEK, up  
16 to a maximum of eighty weeks, if a ~~firefighter~~ COVERED INDIVIDUAL has  
17 a heart and circulatory malfunction that prohibits the ~~firefighter~~ COVERED  
18 INDIVIDUAL from returning to employment to a position that the  
19 ~~firefighter~~ COVERED INDIVIDUAL is trained for or reasonably could be  
20 trained to perform;

21 (d) A ten-thousand-dollar payment if a ~~firefighter~~ COVERED  
22 INDIVIDUAL incurs cosmetic disfigurement resulting from a heart and  
23 circulatory malfunction; and

24 (e) If the covered heart and circulatory malfunction is diagnosed  
25 as terminal, ~~the firefighter will receive~~ a lump sum payment of  
26 twenty-five thousand dollars as an accelerated payment toward the  
27 benefits due in paragraphs (a) and (b) of this subsection (2) SUBSECTIONS

1 (2)(a) AND (2)(b) OF THIS SECTION.

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

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

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

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

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

20 (a) Prior to the work event that results in a heart and circulatory  
21 malfunction and after the ~~firefighter~~ COVERED INDIVIDUAL became  
22 employed by an employer, the ~~firefighter~~ COVERED INDIVIDUAL had a  
23 medical examination that would reasonably have found an illness or  
24 injury that could have caused the heart and circulatory malfunction and  
25 no illness or injury was found at the most recent SUCH medical  
26 examination;

27 (b) ~~The~~ A COVERED INDIVIDUAL WHO IS A firefighter ~~has~~ MUST

1 HAVE at least five years of continuous, full-time employment with an  
 2 employer; ~~except~~ A COVERED INDIVIDUAL WHO IS A PART-TIME  
 3 FIREFIGHTER MUST HAVE AT LEAST FIVE YEARS OF CONTINUOUS,  
 4 PART-TIME OR FULL-TIME EMPLOYMENT WITH AN EMPLOYER; AND A  
 5 COVERED INDIVIDUAL WHO IS a volunteer firefighter must have AT LEAST  
 6 five years of continuous service with the same employer; and

7 (11) (a) There is hereby created in the state treasury the firefighter  
 8 benefits cash fund. The fund consists of ~~moneys~~ MONEY appropriated  
 9 from the general fund by the general assembly. The ~~moneys~~ MONEY in the  
 10 fund ~~are~~ IS subject to annual appropriation by the general assembly to the  
 11 department of local affairs for the purpose of reimbursing employers for  
 12 the direct costs of maintaining accident insurance, self-insurance, or  
 13 participation in a self-insurance pool or multiple employer health trust as  
 14 required by this part 3.

15 **SECTION 3.** In Colorado Revised Statutes, 29-5-403, **amend** (1)  
 16 and (2); and **add** (14) as follows:

17 **29-5-403. Required benefits - conditions of receiving benefits.**

18 (1) An employer ~~may~~ SHALL participate in ~~the voluntary firefighter~~  
 19 ~~cancer benefits program by paying contributions into~~ AND MAKE  
 20 CONTRIBUTIONS TO a multiple employer health trust as set forth in section  
 21 10-3-903.5 (7)(b)(I), established for the purposes of this part 4. The  
 22 contribution levels, IF ANY, and award level definitions will be set by the  
 23 trust. IF AT ANY TIME THE FUNDING PROVIDED PURSUANT TO SUBSECTION  
 24 (14) OF THIS SECTION IS INSUFFICIENT TO COVER THE COST OF THE  
 25 PROGRAM REQUIRED BY THIS SECTION, THEN PARTICIPATION IN THE  
 26 PROGRAM IS OPTIONAL PURSUANT TO SECTION 29-1-304.5.

27 (2) ~~For an employer choosing to participate in the voluntary A~~

1 MULTIPLE EMPLOYER HEALTH TRUST THAT IS ESTABLISHED TO PROVIDE A  
2 firefighter cancer benefits program ~~the trust~~ shall provide the minimum  
3 benefits specified in subsection (3) of this section to covered individuals  
4 diagnosed with cancer, based on the award level of the cancer at the time  
5 of diagnosis, after the employer becomes a participant.

6 (14) IF AT ANY TIME THE FUNDING PROVIDED PURSUANT TO THIS  
7 SUBSECTION (14) IS INSUFFICIENT TO COVER THE COST OF THE PROGRAM  
8 REQUIRED BY THIS SECTION, THEN PARTICIPATION IN THE PROGRAM IS  
9 OPTIONAL PURSUANT TO SECTION 29-1-304.5.

10 **SECTION 4.** In Colorado Revised Statutes, **amend** 29-5-405 as  
11 follows:

12 **29-5-405. Exclusion from coverage.** REGARDLESS OF THE  
13 FUNDING PROVIDED PURSUANT TO SECTION 29-5-403 (14), an employer  
14 who participates in the ~~voluntary~~ firefighter cancer benefits program  
15 created in this part 4 is not subject to section 8-41-209 (1) and (2) unless  
16 the employer ends participation in the program.

17 **SECTION 5. Effective date.** This act takes effect July 1, 2024.

18 **SECTION 6. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, or safety.