

CHAPTER 245

LABOR AND INDUSTRY

HOUSE BILL 07-1008

BY REPRESENTATIVE(S) Cerbo, Carroll M., Casso, Frangas, Green, Kerr A., Labuda, Madden, McGihon, Primavera, Solano, and Soper;
also SENATOR(S) Fitz-Gerald, and Tochtrop.

AN ACT

CONCERNING WORKERS' COMPENSATION COVERAGE FOR FIREFIGHTERS WHO CONTRACT CERTAIN TYPES OF CANCER.

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

SECTION 1. Part 2 of article 41 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

8-41-209. Coverage for occupational diseases contracted by firefighters - repeal. (1) DEATH, DISABILITY, OR IMPAIRMENT OF HEALTH OF A FIREFIGHTER OF ANY POLITICAL SUBDIVISION WHO HAS COMPLETED FIVE OR MORE YEARS OF EMPLOYMENT AS A FIREFIGHTER, CAUSED BY CANCER OF THE BRAIN, SKIN, DIGESTIVE SYSTEM, HEMATOLOGICAL SYSTEM, OR GENITOURINARY SYSTEM AND RESULTING FROM HIS OR HER EMPLOYMENT AS A FIREFIGHTER, SHALL BE CONSIDERED AN OCCUPATIONAL DISEASE.

(2) ANY CONDITION OR IMPAIRMENT OF HEALTH DESCRIBED IN SUBSECTION (1) OF THIS SECTION:

(a) SHALL BE PRESUMED TO RESULT FROM A FIREFIGHTER'S EMPLOYMENT IF, AT THE TIME OF BECOMING A FIREFIGHTER OR THEREAFTER, THE FIREFIGHTER UNDERWENT A PHYSICAL EXAMINATION THAT FAILED TO REVEAL SUBSTANTIAL EVIDENCE OF SUCH CONDITION OR IMPAIRMENT OF HEALTH THAT PREEXISTED HIS OR HER EMPLOYMENT AS A FIREFIGHTER; AND

(b) SHALL NOT BE DEEMED TO RESULT FROM THE FIREFIGHTER'S EMPLOYMENT IF THE FIREFIGHTER'S EMPLOYER OR INSURER SHOWS BY A PREPONDERANCE OF THE MEDICAL EVIDENCE THAT SUCH CONDITION OR IMPAIRMENT DID NOT OCCUR ON THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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(3) (a) ON OR BEFORE MARCH 1, 2009, THE DIVISION, WITHIN EXISTING RESOURCES AND IN CONJUNCTION WITH INSURANCE CARRIERS PROVIDING WORKERS' COMPENSATION INSURANCE IN COLORADO AND WITH EMPLOYERS, IF SELF-INSURED, SHALL PREPARE AND DELIVER A REPORT TO THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE NUMBER OF CLAIMS ALLOWED PURSUANT TO THIS SECTION AND THE COSTS ASSOCIATED WITH THOSE CLAIMS.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE MARCH 1, 2009.

SECTION 2. Effective date - applicability. This act shall take effect upon passage and shall apply to workers' compensation claims submitted on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 17, 2007