

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 26-184

BY SENATOR(S) Rodriguez and Ball, Benavidez, Cutter, Danielson, Exum, Gonzales J., Kipp, Kolker, Lindstedt, Marchman, Mullica, Sullivan, Wallace, Weissman, Coleman;
also REPRESENTATIVE(S) Carter and Mabrey, Bacon, Boesenecker, Camacho, Duran, Garcia, Hamrick, Jackson, Lieder, Lindsay, Nguyen, Ricks, Rutinel, Sirota, Story, Valdez, Velasco, Willford, Zokaie.

CONCERNING BENEFITS FOR FIREFIGHTERS WHO CONTRACT CERTAIN
CONDITIONS.

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

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

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

(b) Colorado created a presumption regarding the occupational causation of certain cancers in order to provide greater protections under the "Workers' Compensation Act of Colorado" to recognize the risks

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

firefighters are exposed to;

(c) Scientific and occupational health data demonstrate increased incidence of multiple myeloma, non-Hodgkin lymphoma, and bladder and respiratory cancers among firefighters; and

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

(2) Accordingly, the general assembly:

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

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

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

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

(1) THE SHORT TITLE OF THIS SECTION IS THE "RUBEN LEWIS SIMS JR. ACT"

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

(a) "CANCER" MEANS:

(I) MESOTHELIOMA;

(II) BLADDER CANCER;

(III) COLON CANCER;

- (IV) PROSTATE CANCER;
- (V) TESTICULAR CANCER;
- (VI) MELANOMA OF THE SKIN;
- (VII) NON-HODGKIN LYMPHOMA;
- (VIII) LUNG CANCER;
- (IX) KIDNEY CANCER;
- (X) LEUKEMIA;
- (XI) MULTIPLE MYELOMA;
- (XII) ESOPHAGEAL CANCER;
- (XIII) BRAIN CANCER;
- (XIV) DIGESTIVE CANCER;
- (XV) GENITOURINARY CANCER;
- (XVI) SKIN CANCER;
- (XVII) THYROID CANCER;
- (XVIII) BREAST CANCER; AND
- (XIX) REPRODUCTIVE CANCER.

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

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

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

(c) "FIREFIGHTER" MEANS A FULL- OR PART-TIME EMPLOYEE OR VOLUNTEER OF ANY EMPLOYER, OTHER THAN THE STATE, WHOSE DUTIES ARE DIRECTLY INVOLVED WITH THE PROVISION OF FIRE PROTECTION SERVICES. "FIREFIGHTER" INCLUDES:

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

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

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

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

(3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, IF A COVERED INDIVIDUAL IS DIAGNOSED WITH OR DIES FROM CANCER, THE CANCER IS PRESUMED TO BE AN OCCUPATIONAL DISEASE ARISING OUT OF AND CONTRACTED IN THE COURSE OF THEIR EMPLOYMENT OR SERVICE AS A FIREFIGHTER.

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

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

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

FIREFIGHTER.

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

(5) (a) THIS SECTION DOES NOT AFFECT ANY DETERMINATION AS TO WHETHER THE CANCER IS COVERED UNDER THE VOLUNTARY FIREFIGHTER CANCER BENEFITS PROGRAM CREATED IN PART 4 OF ARTICLE 5 OF TITLE 29.

(b) IF A FIREFIGHTER IS ELIGIBLE FOR BENEFITS UNDER THIS SECTION AND PART 4 OF ARTICLE 5 OF TITLE 29, THE OFFSET PROVISIONS OF SECTION 8-42-103 (1)(h) AND 29-5-403 (10) APPLY.

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

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

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO