

CHAPTER 116

GOVERNMENT - LOCAL

HOUSE BILL 18-1056

BY REPRESENTATIVE(S) Van Winkle and Williams D., Ginal, Ransom, Covarrubias, Humphrey, Melton, Rosenthal;
also SENATOR(S) Cooke, Martinez Humenik, Priola, Scott, Smallwood, Tate.

AN ACT

CONCERNING THE STATEWIDE STANDARD HEALTH HISTORY FORM THAT MEMBERS OF THE FIRE AND POLICE PENSION ASSOCIATION COMPLETE WHEN COMMENCING EMPLOYMENT.

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

SECTION 1. In Colorado Revised Statutes, 31-31-810, **amend** (1)(a)(III), (1)(c)(I), (1)(c)(II), (1)(c)(III), (1)(c)(V), (2)(a)(IV), and (2)(c)(II) as follows:

31-31-810. Employer liability - statewide standard health history form.

(1) (a) The employer of a member shall be liable for the total payment of benefits awarded under this part 8 if the board determines that:

(III) The employer failed to ~~obtain and~~ REQUIRE THE MEMBER TO COMPLETE AND file the health form required by ~~paragraph (c) of this subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION.

(c) (I) Every NEWLY HIRED member ~~whose employment commences on or after September 1, 1989,~~ shall complete a health history on the statewide standard health history form, described in ~~subparagraph (III) of this paragraph (c)~~ SUBSECTION (1)(c)(III) OF THIS SECTION.

(II) Every employer of a member ~~who commences employment on or after September 1, 1989,~~ shall furnish the statewide standard health history form to the ~~newly hired member and~~ shall require its completion OF THE STATEWIDE STANDARD HEALTH HISTORY FORM by the newly hired member within thirty days of the first date of employment. The completed form shall be filed with the fire and police pension association within sixty days from commencement of employment IF FILED BY THE EMPLOYER AFTER COMPLETION.

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

(III) ~~Not later than July 1, 1989,~~ The board shall adopt, pursuant to the authority granted it by section 31-31-202 (1)(j), a statewide standard health history form. ~~The board shall consult with its medical advisor in the preparation of the form. Copies of the form shall be delivered to all employers not later than August 1, 1989. The board may revise the form from time to time and shall deliver revised forms to all employers not later than thirty days prior to the effective date of use of such revised form.~~ MAY ADOPT AN ELECTRONIC FORMAT FOR COMPLETING AND FILING THE FORM.

(V) Any member shall be ineligible for disability benefits with respect to an occupational or total disability that is the proximate consequence or result of a PRE-EXISTING AND PERMANENT medical condition. ~~disclosed by the member on the statewide standard health history form.~~

(2) (a) The employer of a deceased member shall be liable for the total payment of benefits awarded under this part 8 if the board determines that:

(IV) The employer failed to ~~obtain and~~ REQUIRE THE MEMBER TO COMPLETE AND file the health form required by ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this section.

(c) (II) The surviving spouse and dependent children of any member shall be ineligible for an award of survivor benefits in the event the member's death is the proximate consequence or ~~results~~ RESULT of a PRE-EXISTING AND PERMANENT medical condition. ~~disclosed by such member on the statewide standard health history form.~~

SECTION 2. Act subject to petition - effective date. 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 8, 2018, if adjournment sine die is on May 9, 2018); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 12, 2018