

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 17-0942.01 Kristen Forrestal x4217

**SENATE BILL 17-214**

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**SENATE SPONSORSHIP**

**Smallwood and Garcia,**

**HOUSE SPONSORSHIP**

**Exum and Pettersen, Esgar, Pabon**

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

Public Health Care & Human Services

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF THE VOLUNTARY FIREFIGHTER**  
102 **CANCER BENEFITS PROGRAM.**

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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>.)*

The bill allows an employer to participate in a voluntary firefighter cancer benefits program, as a multiple employer health trust to provide benefits to firefighters by paying contributions into the established trust. The bill requires the trust to provide benefits to each firefighter based on the cancer diagnosis and award level.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
2nd Reading Unamended  
April 7, 2017

SENATE  
3rd Reading Unamended  
March 30, 2017

SENATE  
Amended 2nd Reading  
March 29, 2017



1 WORKERS' COMPENSATION SYSTEM. RATHER, IT PROVIDES A PRACTICAL  
2 ALTERNATIVE FOR FIREFIGHTERS TO PURSUE IN DEALING WITH THE COSTS  
3 ANDBURDENS OF COVERED CANCERS WITHOUT BEING FORCED TO RELY ON  
4 RECOVERING COMPENSATION UNDER THE REBUTTABLE PRESUMPTION  
5 CREATED BY HOUSE BILL 07-1008.

6 **29-5-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "CANCER" MEANS CANCER THAT ORIGINATES AS A CANCER OF  
9 THE BRAIN, SKIN, DIGESTIVE SYSTEM, HEMATOLOGICAL SYSTEM, OR  
10 GENITOURINARY SYSTEM OR AS DEFINED BY THE TRUST.

11 (2) "COVERED INDIVIDUAL" MEANS A FIREFIGHTER, PART-TIME  
12 FIREFIGHTER, OR VOLUNTEER FIREFIGHTER WHO MEETS THE COVERAGE  
13 REQUIREMENTS IN SECTION 29-5-403 (12).

14 (3) "EMPLOYER" MEANS A MUNICIPALITY, SPECIAL DISTRICT, FIRE  
15 AUTHORITY, OR COUNTY IMPROVEMENT DISTRICT THAT EMPLOYS ONE OR  
16 MORE FIREFIGHTERS, PART-TIME FIREFIGHTERS, OR VOLUNTEER  
17 FIREFIGHTERS. "EMPLOYER" DOES NOT INCLUDE A POWER AUTHORITY  
18 CREATED PURSUANT TO SECTION 29-1-204 OR A MUNICIPALLY OWNED  
19 UTILITY.

20 (4) "FIREFIGHTER" MEANS A FULL-TIME, ACTIVE EMPLOYEE OF AN  
21 EMPLOYER WHO REGULARLY WORKS AT LEAST ONE THOUSAND SIX  
22 HUNDRED HOURS IN ANY CALENDAR YEAR AND WHOSE DUTIES ARE  
23 DIRECTLY INVOLVED WITH THE PROVISION OF FIRE PROTECTION SERVICES,  
24 AND WHO IS NOT A VOLUNTEER FIREFIGHTER.

25 (5) "PART-TIME FIREFIGHTER" MEANS AN ACTIVE EMPLOYEE OF AN  
26 EMPLOYER WHO REGULARLY WORKS LESS THAN ONE THOUSAND SIX  
27 HUNDRED HOURS IN ANY CALENDAR YEAR, WHOSE DUTIES ARE DIRECTLY

1 INVOLVED WITH THE PROVISION OF FIRE PROTECTION SERVICES, AND WHO  
2 IS NOT A VOLUNTEER FIREFIGHTER.

3 (6) "TRUST" MEANS A MULTIPLE EMPLOYER HEALTH TRUST  
4 DESCRIBED IN SECTION 10-3-903.5 (7)(b)(I), ESTABLISHED FOR THE  
5 PURPOSES OF THIS PART 4.

6 (7) "VOLUNTEER FIREFIGHTER" MEANS A VOLUNTEER FIREFIGHTER  
7 AS DEFINED IN SECTION 31-30-1102, INCLUDING A PERSON MEETING THIS  
8 DEFINITION WHO PROVIDES VOLUNTEER SERVICES TO A FIRE AUTHORITY  
9 CREATED BY AN INTERGOVERNMENTAL AGREEMENT PROVIDING FIRE  
10 PROTECTION.

11 **29-5-403. Required benefits - conditions of receiving benefits.**

12 (1) AN EMPLOYER MAY PARTICIPATE IN THE VOLUNTARY FIREFIGHTER  
13 CANCER BENEFITS PROGRAM BY PAYING CONTRIBUTIONS INTO A MULTIPLE  
14 EMPLOYER HEALTH TRUST AS SET FORTH IN SECTION 10-3-903.5 (7)(b)(I),  
15 ESTABLISHED FOR THE PURPOSES OF THIS PART 4. THE CONTRIBUTION  
16 LEVELS AND AWARD LEVEL DEFINITIONS WILL BE SET BY THE TRUST.

17 (2) FOR AN EMPLOYER CHOOSING TO PARTICIPATE IN THE  
18 VOLUNTARY FIREFIGHTER CANCER BENEFITS PROGRAM, THE TRUST SHALL  
19 PROVIDE THE MINIMUM BENEFITS SPECIFIED IN SUBSECTION (3) OF THIS  
20 SECTION TO COVERED INDIVIDUALS DIAGNOSED WITH CANCER, BASED ON  
21 THE AWARD LEVEL OF THE CANCER AT THE TIME OF DIAGNOSIS, AFTER THE  
22 EMPLOYER BECOMES A PARTICIPANT.

23 (3) AWARD LEVELS WILL BE ESTABLISHED BY THE TRUST BASED ON  
24 THE CATEGORY AND STAGE OF THE CANCER AS FOLLOWS:

25 (a) AWARD LEVEL ZERO, ONE HUNDRED DOLLARS UP TO TWO  
26 THOUSAND DOLLARS;

27 (b) AWARD LEVEL ONE, FOUR THOUSAND DOLLARS, WHICH SHALL

1 BE PAID IN ADDITION TO THE AMOUNTS PAID FOR AN AWARD LEVEL TWO  
2 OR HIGHER DIAGNOSIS;

3 (c) AWARD LEVEL TWO, FIVE THOUSAND DOLLARS;

4 (d) AWARD LEVEL THREE, FIFTEEN THOUSAND DOLLARS;

5 (e) AWARD LEVEL FOUR, TWENTY-TWO THOUSAND FIVE HUNDRED  
6 DOLLARS;

7 (f) AWARD LEVEL FIVE, TWENTY-EIGHT THOUSAND ONE HUNDRED  
8 TWENTY-FIVE DOLLARS;

9 (g) AWARD LEVEL SIX, THIRTY-SEVEN THOUSAND FIVE HUNDRED  
10 DOLLARS;

11 (h) AWARD LEVEL SEVEN, SIXTY-FIVE THOUSAND SIX HUNDRED  
12 TWENTY-FIVE DOLLARS;

13 (i) AWARD LEVEL EIGHT, EIGHTY-FOUR THOUSAND THREE  
14 HUNDRED SEVENTY-FIVE DOLLARS;

15 (j) AWARD LEVEL NINE, ONE HUNDRED SIXTY-EIGHT THOUSAND  
16 SEVEN HUNDRED FIFTY DOLLARS; OR

17 (k) AWARD LEVEL TEN, TWO HUNDRED TWENTY-FIVE THOUSAND  
18 DOLLARS.

19 (4) IN ADDITION TO AN AWARD PURSUANT TO SUBSECTION (3) OF  
20 THIS SECTION:

21 (a) A PAYMENT IS MADE TO THE COVERED INDIVIDUAL FOR THE  
22 ACTUAL COST, UP TO TWENTY-FIVE THOUSAND DOLLARS, FOR  
23 REHABILITATIVE OR VOCATIONAL TRAINING EMPLOYMENT SERVICES AND  
24 EDUCATIONAL TRAINING RELATING TO THE CANCER DIAGNOSIS;

25 (b) A PAYMENT IS MADE TO THE COVERED INDIVIDUAL OF UP TO  
26 TEN THOUSAND DOLLARS IF A COVERED INDIVIDUAL INCURS COSMETIC  
27 DISFIGUREMENT COSTS RESULTING FROM CANCER.

1           (5) IF THE CANCER IS DIAGNOSED AS TERMINAL CANCER, THE  
2 COVERED INDIVIDUAL WILL RECEIVE A LUMP-SUM PAYMENT OF  
3 TWENTY-FIVE THOUSAND DOLLARS AS AN ACCELERATED PAYMENT  
4 TOWARD THE BENEFITS DUE IN SUBSECTION (3) OF THIS SECTION.

5           (6) THE COVERED INDIVIDUAL IS ENTITLED TO ADDITIONAL  
6 AWARDS IF THE CANCER INCREASES IN AWARD LEVEL, BUT THE AMOUNT  
7 OF ANY AWARD PAID EARLIER FOR THE SAME CANCER WILL BE  
8 SUBTRACTED FROM THE NEW AWARD.

9           (7) IF A COVERED INDIVIDUAL DIES WHILE OWED BENEFITS  
10 PURSUANT TO THIS SECTION, THE BENEFITS WILL BE PAID TO THE  
11 SURVIVING SPOUSE OR DOMESTIC PARTNER, IF ANY, AT THE TIME OF  
12 DEATH, AND IF THERE IS NO SURVIVING SPOUSE OR DOMESTIC PARTNER,  
13 ANY SURVIVING CHILDREN EQUALLY. IF THERE IS NO SURVIVING SPOUSE,  
14 DOMESTIC PARTNER, OR CHILD, THE OBLIGATION OF THE TRUST TO PAY  
15 BENEFITS WILL CEASE.

16           (8) IF A COVERED INDIVIDUAL RETURNS TO THE SAME POSITION OF  
17 EMPLOYMENT AFTER A CANCER DIAGNOSIS, THE COVERED INDIVIDUAL IS  
18 ENTITLED TO THE BENEFITS IN THIS SECTION FOR ANY SUBSEQUENT NEW  
19 TYPE OF COVERED CANCER DIAGNOSIS.

20           (9) THE MAXIMUM AMOUNT THAT MAY BE PAID TO A COVERED  
21 INDIVIDUAL FOR EACH CANCER DIAGNOSIS IS TWO HUNDRED FORTY-NINE  
22 THOUSAND DOLLARS.

23           (10) UNLESS THE OFFSET PROVISIONS OF SECTION 8-42-103 (1)(h)  
24 HAVE ALREADY BEEN TAKEN, THE BENEFITS PAID PURSUANT TO THIS  
25 SECTION MUST BE OFFSET BY ANY PAYMENTS MADE UNDER THE  
26 "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF  
27 TITLE 8, REGARDLESS OF WHEN THE PAYMENTS ARE MADE. THE TRUST

1 MAY DETERMINE HOW AND WHEN THE OFFSETS ARE IMPLEMENTED.

2 (11) THE BENEFITS IN THIS SECTION ARE REDUCED BY  
3 TWENTY-FIVE PERCENT IF A COVERED INDIVIDUAL USED A TOBACCO  
4 PRODUCT WITHIN THE FIVE YEARS IMMEDIATELY PRECEDING THE CANCER  
5 DIAGNOSIS.

6 (12)(a) IN ORDER FOR A COVERED INDIVIDUAL TO BE ELIGIBLE FOR  
7 THE BENEFITS IN THIS SECTION, PRIOR TO THE DIAGNOSIS OF CANCER AND  
8 NO MORE THAN FIVE YEARS FOR A FIREFIGHTER OR NO MORE THAN TEN  
9 YEARS FOR A VOLUNTEER FIREFIGHTER OR PART-TIME FIREFIGHTER AFTER  
10 THE FIREFIGHTER, VOLUNTEER FIREFIGHTER, OR PART-TIME FIREFIGHTER  
11 BECAME EMPLOYED BY AN EMPLOYER, THE FIREFIGHTER, VOLUNTEER  
12 FIREFIGHTER, OR PART-TIME FIREFIGHTER MUST HAVE HAD A MEDICAL  
13 EXAMINATION THAT WOULD REASONABLY HAVE FOUND AN ILLNESS OR  
14 INJURY THAT COULD HAVE CAUSED THE CANCER AND NO ILLNESS OR  
15 INJURY WAS FOUND.

16 (b) IN ADDITION TO SUBSECTION (12)(a) OF THIS SECTION, IN  
17 ORDER FOR A COVERED INDIVIDUAL TO BE ELIGIBLE FOR THE BENEFITS IN  
18 THIS SECTION, THE FOLLOWING CONDITIONS MUST BE MET:

19 (I) THE FIREFIGHTER:

20 (A) HAS AT LEAST FIVE YEARS OF CONTINUOUS, FULL-TIME  
21 EMPLOYMENT WITH AN EMPLOYER; AND

22 (B) IS DIAGNOSED WITH CANCER WITHIN TEN YEARS AFTER  
23 CEASING EMPLOYMENT AS A FIREFIGHTER; OR

24 (II) THE VOLUNTEER FIREFIGHTER:

25 (A) HAS AT LEAST TEN YEARS OF ACTIVE SERVICE, AS USED IN  
26 SECTION 31-30-1122, AND HAS MAINTAINED A MINIMUM TRAINING  
27 PARTICIPATION IN THE FIRE DEPARTMENT OF THIRTY-SIX HOURS EACH

1 YEAR; AND

2 (B) IS DIAGNOSED WITH CANCER WITHIN TEN YEARS AFTER

3 CEASING EMPLOYMENT AS A VOLUNTEER FIREFIGHTER; OR

4 (III) THE PART-TIME FIREFIGHTER:

5 (A) HAS AT LEAST TEN YEARS OF ACTIVE SERVICE; AND

6 (B) IS DIAGNOSED WITH CANCER WITHIN TEN YEARS AFTER

7 CEASING EMPLOYMENT AS A PART-TIME FIREFIGHTER.

8 (c) THE TRUST SHALL DEVELOP A FORMULA TO ALLOW THE

9 COMBINING OF VOLUNTEER, PART-TIME, AND FULL-TIME FIREFIGHTER

10 SERVICE TO ESTABLISH ELIGIBILITY.

11 (d) THE CLAIM FOR BENEFITS MUST BE FILED NO LATER THAN TWO

12 YEARS AFTER THE DIAGNOSIS OF THE CANCER. THE CLAIM FOR EACH TYPE

13 OF CANCER NEEDS TO BE FILED ONLY ONCE TO ALLOW THE TRUST TO

14 INCREASE THE AWARD LEVEL PURSUANT TO SUBSECTION (3) OF THIS

15 SECTION.

16 (13) FOR THE PURPOSE OF EMPLOYER POLICIES AND BENEFITS,     

17 A CANCER DIAGNOSIS IS TREATED AS AN ON-THE-JOB INJURY OR ILLNESS.

18 THIS SUBSECTION (13) DOES NOT AFFECT ANY DETERMINATION AS TO

19 WHETHER THE CANCER IS COVERED UNDER THE "WORKERS'

20 COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8.

21 **29-5-404. Authority of the trust - rules.** (1) IN ADDITION TO ANY

22 AUTHORITY GIVEN TO THE TRUST, THE TRUST HAS THE AUTHORITY TO:

23 (a) CREATE A PROGRAM DESCRIPTION TO FURTHER DEFINE OR

24 MODIFY, BUT NOT DECREASE, THE BENEFITS OF THIS PART 4;

25 (b) MODIFY THE CONTRIBUTION RATES, BENEFIT LEVELS,

26 INCLUDING THE MAXIMUM AMOUNT, CONSISTENT WITH SUBSECTION (1)(a)

27 OF THIS SECTION, AND STRUCTURE OF THE BENEFITS BASED ON ACTUARIAL

1 RECOMMENDATIONS AND WITH INPUT FROM A COMMITTEE OF THE TRUST  
2 CONSISTING OF REPRESENTATIVES FROM LABOR, MANAGEMENT,  
3 VOLUNTEER, AND TRUST ADMINISTRATION; AND

4 (c) ADOPT RULES AND PROCEDURES FOR THE ADMINISTRATION OF  
5 THE TRUST.

6 **29-5-405. Exclusion from coverage.** AN EMPLOYER WHO  
7 PARTICIPATES IN THE VOLUNTARY FIREFIGHTER CANCER BENEFITS  
8 PROGRAM CREATED IN THIS PART 4 IS NOT SUBJECT TO SECTION 8-41-209  
9 (1) AND (2) UNLESS THE EMPLOYER ENDS PARTICIPATION IN THE PROGRAM.

10 **SECTION 2.** In Colorado Revised Statutes, 8-41-209, **add** (4) as  
11 follows:

12 **8-41-209. Coverage for occupational diseases contracted by**  
13 **firefighters.** (4) AN EMPLOYER WHO PARTICIPATES IN THE VOLUNTARY  
14 FIREFIGHTER CANCER BENEFITS PROGRAM CREATED IN PART 4 OF ARTICLE  
15 5 OF TITLE 29 IS NOT SUBJECT TO THIS SECTION UNLESS THE EMPLOYER  
16 ENDS PARTICIPATION IN THAT PROGRAM.

17 **SECTION 3.** In Colorado Revised Statutes, 8-42-103, **add** (1)(h)  
18 as follows:

19 **8-42-103. Disability indemnity payable as wages - period of**  
20 **disability.** (1) If the injury or occupational disease causes disability, a  
21 disability indemnity shall be payable as wages pursuant to section  
22 8-42-105 (2)(a) subject to the following limitations:

23 (h) UNLESS THE OFFSET PROVISIONS OF SECTION 29-5-403 (10)  
24 HAVE ALREADY BEEN TAKEN, IN CASES WHERE IT IS DETERMINED THAT A  
25 FIREFIGHTER HAS RECEIVED AN AWARD OF BENEFITS FOR A CANCER  
26 DIAGNOSIS PURSUANT TO SECTION 29-5-403 (3)(b) TO (3)(k), THE  
27 AGGREGATE BENEFITS PAYABLE FOR TEMPORARY TOTAL DISABILITY,

1 TEMPORARY PARTIAL DISABILITY, PERMANENT PARTIAL DISABILITY, AND  
2 PERMANENT TOTAL DISABILITY SHALL BE REDUCED, BUT NOT BELOW ZERO,  
3 BY AN AMOUNT EQUAL TO THE TOTAL AMOUNT OF SUCH CANCER  
4 DIAGNOSIS BENEFITS. IN CASES WHERE IT IS DETERMINED THAT A COVERED  
5 INDIVIDUAL HAS RECEIVED COSMETIC DISFIGUREMENT BENEFITS  
6 PURSUANT TO SECTION 29-5-403 (4)(b), BENEFITS FOR DISFIGUREMENT  
7 PAYABLE PURSUANT TO SECTION 8-42-108 SHALL BE REDUCED, BUT NOT  
8 BELOW ZERO, BY AN AMOUNT EQUAL TO SUCH COSMETIC DISFIGUREMENT  
9 BENEFITS.

10 **SECTION 4.** In Colorado Revised Statutes, 10-3-903.5, **amend**  
11 (7)(b)(I) as follows:

12 **10-3-903.5. Jurisdiction over providers of health care benefits.**

13 (7) (b) A multiple employer health trust is any trust that is:

14 (I) Sponsored, maintained, and funded by one or more entities of  
15 state government or political subdivisions of the state organized pursuant  
16 to state law and is for the benefit of the entity's employees, including a  
17 multiple employer health trust established for the purposes of ~~part 3~~ PART  
18 3 OR 4 of article 5 of title 29; ~~C.R.S.~~; or

19 **SECTION 5. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.