

HB 3096 -- FIREFIGHTER PRESUMPTIVE WORKERS' COMP COVERAGE ACT

SPONSOR: Allen

This bill establishes the "Missouri Firefighter Occupational Disease Protection Act".

The bill allows firefighters, and fire investigators to receive workers' compensation benefits for diseases of the heart or cardiovascular system, infectious diseases, diseases of the body systems or organs from carcinoma, and diseases of the lungs or respiratory tract.

This bill provides that any such disease contracted by a paid, volunteer, retired firefighter, or fire investigator is presumed to be an occupational disease if there is reasonable medical evidence that the individual was free of the disease at the beginning of his or her employment. The employer of the firefighter or fire investigator has a duty to provide reasonable medical evidence, as specified in the bill. If the employer does not provide reasonable medical evidence, the firefighter, or fire investigator receives the benefit of the presumption.

Diseases of the body systems or organs from carcinoma are presumed to be cancer and an occupational disease if all of the following conditions are met:

- (1) The firefighter or fire investigator was assigned to at least five years of "hazardous duty", as defined in the bill;
- (2) The firefighter or fire investigator was exposed to an agent classified by the International Agency for Research on Cancer;
- (3) No more than than 10 years have elapsed since the firefighter or fire investigator was last assigned to hazardous duty; and

Any heart-related, perivascular, or pulmonary injury or death of a firefighter or a fire investigator will be presumed to be an occupational disease if:

- (1) The firefighter or fire investigator passed a physical examination before employment that did not indicate evidence of a heart-related, perivascular, or pulmonary disease, condition, or injury and the firefighter physical examination must be reasonably aligned with the National Fire Protection Association

Standard on Comprehensive Occupational Medical Program for Fire Departments (NFPA 1582); and

(2) The firefighter or fire investigator was exposed to a documented, work related incident and the heart-related, perivascular, or pulmonary injury or death occurred within 24 hours after exposure and was reasonably related to the exposure.

The bill requires the Division of Workers' Compensation within the Department of Labor and Industrial Relations to prepare and submit a report regarding presumed cancer claims no later than August 28, 2028, with updated reports every two years thereafter. The report must be provided to the Speaker and Minority Leader of the House of Representatives, the President Pro Tem and Minority Leader of the Senate, the Missouri Association of Fire Chiefs, the Fire Fighters Association of Missouri, and the Missouri Municipal League.

The bill requires an employer or employer's insurance carrier to file an answer or responsive pleading to a claim under the provisions of Section 287.068, RSMo, within 30 days of receiving notice from the Division acknowledging receipt of the claim. Failure to timely respond shall create a rebuttable presumption that the delay or rejection was unreasonable. The question of delay or rejection and the reasonableness of the cause will be determined by an administrative law judge or the Commission in accordance with the facts.

This bill is similar to HB 2817 (2024).