

WORKERS' COMPENSATION COMPLIANCE

Summary of legislative and regulatory changes

August 2023

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Connecticut

The last day of the Connecticut General Assembly was June 7, 2023. Below is an overview of a section of the state budget pertaining to firefighters diagnosed with cancer. Click [here](#) to view other Connecticut workers' compensation legislation enacted during this session

House Bill 6941

[House Bill 6941](#), the state budget, includes a section pertaining to benefits payable from the [state firefighters cancer relief account](#). This section creates a rebuttable presumption that any condition of cancer affecting the brain, skeletal system, digestive system, endocrine system, respiratory system, lymphatic system, reproductive system, urinary system or hematological system resulting in a firefighter's death or temporary or permanent total or partial disability was suffered in the line of duty and within the scope of the employment.

This presumption covers interior structural firefighters at a paid municipal, state or volunteer fire department, as well as a local fire marshal, deputy fire marshal, fire investigator, fire inspector or such other class of inspectors or investigators for whom the State Fire Marshal and the Codes and Standards Committee, acting jointly, have adopted minimum standards of qualification.

To be eligible for benefits from the firefighters cancer relief account, a firefighter must:

- Have had a physical examination after entering the service that failed to reveal any evidence of or a propensity for the cancer.
- Not have used cigarettes during the 15-year period prior to the diagnosis.
- Have been on the job for at least five years.
- Have submitted to annual medical health screenings as recommended by their medical provider.

While the claim process for firefighter cancer claims will be administered through the Connecticut Workers' Compensation Commission (CWCC) and benefits will be similar to workers' compensation benefits, this program is separate and distinct from workers' compensation.

Any firefighter that receives compensation from this account is prohibited from filing a claim under workers' compensation for a diagnosis of cancer, except:

- If the firefighter was receiving compensation from the cancer relief account, and it becomes insolvent.
- Survivors of a firefighter receiving compensation from the cancer relief account that dies from cancer are allowed to file a claim under workers' compensation within one year of the firefighter's death. The survivors will continue to receive benefits from the account until the workers' compensation death claim is approved.

This bill becomes effective Oct. 1, 2023.

New Hampshire

Senate Bill 71

[Senate Bill 71](#) became effective immediately upon signing by Gov. Chris Sununu on Aug. 4, 2023. This legislation expands the rebuttable presumption for firefighters, whether a regular, call, volunteer or retired member of a fire department, that cancer disease is occupationally caused to **all** cancer disease types.

New Hampshire Senate Bill 541 enacted in 2018 provided presumptive cancer coverage for firefighters in the state, but only included a restrictive list of cancers.

The information contained within this document is intended to provide summary level information on proposed or enacted laws related to family and medical leave. It is not intended to provide guidance on the application of these legal requirements or as an update to your company's attendance and/or leave policies. We recommend you consult with Legal Counsel to determine what changes, if any, should be applied to company policy.

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