

Legislative Analysis



CHRISTOPHER R. SLEZAK FIRST RESPONDER PRESUMED COVERAGE FUND

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<http://www.house.mi.gov/hfa>

House Bill 6360 as introduced
Sponsor: Rep. Jeff Yaroeh
Committee: Rules and Competitiveness
Complete to 9-28-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6360 would amend the Worker's Disability Compensation Act to reorganize provisions governing eligibility for, and coverage under, the Christopher R. Slezak First Responder Presumed Coverage Fund. Those provisions are described in **Background**, below. The bill would make structural changes, not substantive changes, to these provisions. Of note, the bill would create a separate subsection to describe in one place the individuals covered.

MCL 418.405

BACKGROUND:

The Christopher R. Slezak First Responder Presumed Coverage Fund¹ provides workers' disability compensation benefits to certain first responders who have been diagnosed with specific types of cancer presumed to have arisen out of and in the course of employment. The coverage applies to any of the following:

- A current full-time member of a fire department or public fire authority.
- For a cancer diagnosed on or after January 1, 2022, a former full-time member of a fire department or public fire authority or a current or former part-time, paid on-call, or volunteer member of a fire department or public fire authority.
- For a cancer diagnosed on or after January 1, 2022, a current or former full-time, part-time, paid on-call, or volunteer forest fire officer or crash rescue officer.

For any respiratory tract, bladder, skin, brain, kidney, blood, thyroid, testicular, prostate, or lymphatic cancer or (if diagnosed on or after January 1, 2022) for any breast, ovarian, or non-HPV cancer, a covered individual described above who meets the following criteria must suspend a worker's compensation claim under the act and instead can claim benefits from the Christopher R. Slezak First Responder Presumed Coverage Fund:

- The individual has or has had 60 months or more of active service in the department or public fire authority.
- The individual has been exposed to the hazards incidental to fire suppression, rescue, or emergency medical services in performing their work-related duties.

The cancer is presumed to arise out of and in the course of employment only with respect to a claim against the fund and only in the absence of a non-work-related cause. Mere evidence that the condition was preexisting, or an abstract medical opinion that the employment did not cause

¹ <https://www.michigan.gov/leo/bureaus-agencies/wdca/claims/first-responder-presumed-coverage/christopher-r-slezak-first-responder-presumed-coverage-fund>

it, is not enough to overcome this presumption. The presumption can be rebutted by scientific evidence that the individual was a substantial and consistent user of cigarettes or other tobacco products in the 10 years before the date of injury and that this use was a significant factor in causing, aggravating, or promoting the cancer.

For purposes of a claim against the fund, a fire department or public fire authority is considered the employer of a volunteer member.

The fund, which had been called the First Responder Presumed Coverage Fund, was renamed the Christopher R. Slezak First Responder Presumed Coverage Fund by 2021 PA 129. Christopher R. Slezak was a firefighter with the Sterling Heights Fire Department from 1998 until his medical retirement in 2019. In May 2009, at age 36, he was diagnosed with leukemia. He was not eligible for worker's compensation because he could not prove that his cancer was caused by exposure during his years fighting fires. Christopher R. Slezak testified in support of the legislation that resulted in the creation of the First Responder Presumed Coverage Fund. He died November 25, 2020. He was 48 years old.

FISCAL IMPACT:

The bill would have no fiscal impact on state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.