

HOUSE BILL NO. 4096

February 20, 2025, Introduced by Reps. Snyder, Rheingans, Breen, Rogers, Martus, Steckloff, Byrnes, Hope, Glanville, Witwer, MacDonell, Liberati, Mentzer, Meerman, Fitzgerald and Greene and referred to Committee on Government Operations.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
by amending section 405 (MCL 418.405), as amended by 2021 PA 129.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 405. (1) For a **full-time, part-time, or paid on-call**
2 member of a ~~fully paid~~ fire department of an airport operated by a
3 county, public airport authority, or state university or college, ~~+~~
4 a **full-time, part-time, or paid on-call** member of a ~~fully paid fire~~
5 ~~er~~ police department of a city, township, or village, ~~employed and~~

1 ~~compensated upon a full-time basis;~~ a **full-time, part-time, or paid**
 2 **on-call** member of a ~~fully paid~~ **fire or public safety department of**
 3 **a city, township, or village or a** public fire authority, employed
 4 and ~~compensated upon a full-time basis;~~ a county sheriff and the
 5 deputies of the county sheriff, ~~;~~ a member of the state police, ~~;~~ a
 6 conservation officer, ~~;~~ a **forest fire officer**, or an officer of the
 7 motor carrier enforcement division of the department of state
 8 police, "personal injury" includes respiratory and heart diseases ~~,~~
 9 or illnesses resulting ~~therefrom,~~ **from respiratory and heart**
 10 **diseases** that develop or manifest ~~themselves~~ during a period while
 11 the member of the department is in the active service of the
 12 department and that result from the performance of duties for the
 13 department.

14 (2) A full-time member, and ~~,~~ ~~beginning January 1, 2022~~ for a
 15 cancer described in this subsection diagnosed on or after January
 16 1, 2022, a part-time, paid on-call, or volunteer member, of a fire
 17 department or public fire authority, and ~~,~~ ~~beginning January 1,~~
 18 ~~2022~~ for a cancer described in this subsection diagnosed on or
 19 after January 1, 2022, a former member who was a full-time, part-
 20 time, paid on-call, or volunteer member of a fire department or
 21 public fire authority, who has or had 60 months or more active
 22 service in the department or public fire authority at the time the
 23 cancer manifests, ~~itself,~~ and who is or was exposed to the hazards
 24 incidental to fire suppression, rescue, or emergency medical
 25 services in the performance of ~~his or her~~ **the member's** work-related
 26 duties with the department or authority shall suspend a claim ~~he or~~
 27 ~~she~~ **the member or former member** may have against ~~his or her~~ **the**
 28 **member's or former member's** employer under this act and may claim
 29 like benefits from the Christopher R. Slezak first responder

1 presumed coverage fund created under subsection (6) for any
2 respiratory tract, bladder, skin, brain, kidney, blood, thyroid,
3 testicular, prostate, lymphatic, ovarian, breast, or non-HPV
4 cervical cancer. ~~Beginning January 1, 2022 for~~ **For** a cancer
5 described in this subsection diagnosed on or after January 1, 2022,
6 a full-time, part-time, paid on-call, volunteer, or former forest
7 fire officer or fire/crash rescue officer who has or had 60 months
8 or more active service at the time the cancer manifests, ~~itself,~~
9 and who is or was exposed to the hazards incidental to fire
10 suppression, rescue, or emergency medical services in the
11 performance of ~~his or her~~ **the officer's or former officer's** work-
12 related duties shall suspend a claim ~~he or she~~ **the officer or**
13 **former officer** may have against ~~his or her~~ **the officer's or former**
14 **officer's** employer under this act and may claim like benefits from
15 the Christopher R. Slezak first responder presumed coverage fund
16 created under subsection (6) for any respiratory tract, bladder,
17 skin, brain, kidney, blood, thyroid, testicular, prostate, or
18 lymphatic, ovarian, breast, or non-HPV cervical cancer. The cancers
19 described in this subsection are presumed to arise out of and in
20 the course of employment only with respect to a claim against the
21 fund and in the absence of non-work-related causation or specific
22 incidents that establish a cause independent of the employment.
23 ~~Neither mere~~ **Mere** evidence that the condition was preexisting, ~~nor~~
24 **or** an abstract medical opinion that the employment was not the
25 cause of the disease or condition, is **not** sufficient to overcome
26 the presumption for purposes of a claim against the Christopher R.
27 Slezak first responder presumed coverage fund. The presumption
28 under this subsection may be rebutted by scientific evidence that
29 the member or former member of the fire department or public fire

1 authority was a substantial and consistent user of cigarettes or
2 other tobacco products within the 10 years immediately preceding
3 the date of injury, and that this use was a significant factor in
4 the cause, aggravation, or progression of the cancer. The
5 suspension of the member's or former member's claim against ~~his or~~
6 ~~her~~ **the member's or former member's** employer under this subsection
7 is in effect only during the period the member **or former member**
8 receives like benefits from the Christopher R. Slezak first
9 responder presumed coverage fund. If a redemption agreement between
10 the Christopher R. Slezak first responder presumed coverage fund
11 and the claimant is approved, the suspension of a claim against an
12 employer under this subsection continues indefinitely. A claimant
13 may not receive benefits covering the same time period from both
14 the Christopher R. Slezak first responder presumed coverage fund
15 and the employer. The presumption created in this subsection
16 applies only to a claim for like benefits against the Christopher
17 R. Slezak first responder presumed coverage fund. For purposes of a
18 claim against the Christopher R. Slezak first responder presumed
19 coverage fund created under subsection (6), a fire department or
20 public fire authority is considered the employer of a volunteer
21 member.

22 (3) Respiratory and heart diseases or illnesses resulting
23 ~~therefrom~~ **from respiratory and heart diseases** as described in
24 subsection (1) are presumed to arise out of and in the course of
25 employment in the absence of evidence to the contrary.

26 (4) As a condition precedent to filing an application for
27 benefits, a claimant described in subsection (1) or a claimant
28 ~~under~~ **described in** subsection (2) must first apply for and do all
29 things necessary to qualify for any pension benefits to which ~~he or~~

1 ~~she, the claimant,~~ or ~~his or her the claimant's~~ decedent, may be
2 entitled or must demonstrate that ~~he or she, the claimant,~~ or ~~his~~
3 ~~or her the claimant's~~ decedent, is ineligible for any pension
4 benefits. If a final determination is made that pension benefits
5 will not be awarded or that the claimant, or ~~his or her the~~
6 **claimant's** decedent, is ineligible for any pension benefits, ~~then~~
7 the designation of "personal injury" as provided in subsection (1)
8 or the presumption under subsection (2) applies. The employer,
9 ~~employee, member,~~ or former member described in subsection (2) may
10 request 2 copies of the determination denying pension benefits, 1
11 copy of which must be filed with the workers' compensation agency
12 upon request.

13 (5) If ~~an employee a member~~ described in subsection (1) or (2)
14 or a former member described in subsection (2) is eligible for any
15 pension benefits, that eligibility does not prohibit the ~~employee~~
16 **member, former member,** or dependents of that ~~employee member or~~
17 **former member** from receiving benefits under section 315 for the
18 medical expenses or portion of medical expenses that are not
19 provided for by the pension program.

20 (6) The Christopher R. Slezak first responder presumed
21 coverage fund is created as a separate fund in the state treasury.
22 The state treasurer may receive money or other assets from any
23 source for deposit into the fund. The state treasurer shall direct
24 the investment of the fund. The state treasurer shall credit to the
25 fund interest and earnings from fund investments. The director
26 shall be the administrator of the fund for auditing purposes. The
27 director shall expend money from the fund only for the purpose of
28 paying claims authorized under subsection (2) and costs of
29 administration. The department of treasury shall cause to be paid

1 from the Christopher R. Slezak first responder presumed coverage
2 fund those amounts and at those times as are prescribed by the
3 director to pay claims under subsection (2) pursuant to this
4 subsection and subsection (7). Money in the fund at the close of
5 the fiscal year remains in the fund and does not lapse to the
6 general fund. If there is insufficient money in the fund to pay
7 claims authorized under subsection (2), claims that are approved
8 but not paid must be paid if fund revenues become available, and
9 those claims must be paid before subsequently approved claims. The
10 director shall develop and implement a process to notify the
11 legislature that money in the Christopher R. Slezak first responder
12 presumed coverage fund may be insufficient to cover future claims
13 when the director reasonably believes that within 60 days the money
14 in the fund will be insufficient to pay claims. The process must,
15 at a minimum, do all of the following:

16 (a) Identify a specific date by which the money in the fund
17 will become insufficient to pay claims.

18 (b) Outline a clear process indicating the order in which
19 claims pending with the fund will be paid.

20 (c) Outline a clear process indicating the order in which
21 claims that were pending with the fund when money became
22 insufficient will be paid, if money subsequently becomes available.

23 (7) The director shall develop the application, approval, and
24 compliance process necessary to operate and manage the Christopher
25 R. Slezak first responder presumed coverage fund. The director
26 shall develop and implement the use of an application form to be
27 used by a claimant for benefits payable by the fund under
28 subsection (2). When a claim under subsection (2) is received, the
29 director shall notify the employer against whom a claim is

1 suspended or the carrier. The employer or carrier may access all
2 information the agency receives respecting the claim and may
3 request that the agency obtain specific additional information. The
4 fund standards, guidelines, templates, and any other forms used by
5 the director to implement the Christopher R. Slezak first responder
6 presumed coverage fund must be posted and maintained on the
7 department's website. The director shall review and consider claims
8 in the order in which ~~they~~ **the claims** are received and shall
9 approve or deny a claim ~~within~~ **not later than** 30 days after receipt
10 of the claim.

11 (8) The director shall submit an annual report to the state
12 budget director and the senate and house of representatives
13 standing committees on appropriations not later than April 1 of
14 each year that includes, but is not limited to, all of the
15 following:

16 (a) The total number of claims received under the Christopher
17 R. Slezak first responder presumed coverage fund in the immediately
18 preceding calendar year.

19 (b) The number of claims approved and the total dollar amount
20 of claims paid by the Christopher R. Slezak first responder
21 presumed coverage fund in the immediately preceding calendar year.

22 (c) The costs of administering the Christopher R. Slezak first
23 responder presumed coverage fund in the immediately preceding
24 calendar year.

25 (9) By March 31 of each year, the worker's compensation agency
26 shall report to the chairs of the appropriations committees of the
27 senate and the house of representatives the estimated amount of
28 both of the following:

29 (a) The anticipated cost of benefits in the next fiscal year

1 for claims authorized under subsection (2) and payable by the
2 Christopher R. Slezak first responder presumed coverage fund.

3 (b) The amount of any anticipated shortfall in the Christopher
4 R. Slezak first responder presumed coverage fund that would prevent
5 payment of claims under subsection (6) for the current fiscal year.

6 (10) The Christopher R. Slezak first responder presumed
7 coverage fund has the same rights under this act as an employer or
8 carrier.