

# HOUSE BILL NO. 4764

August 13, 2025, Introduced by Rep. Woolford and referred to Committee on Insurance.

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 **an employee who is** a member of a fully paid  
2 fire department of an airport operated by a county, public airport  
3 authority, or state university or college; a member of a fully paid  
4 fire or police department of a city, township, or village employed  
5 and compensated upon a full-time basis; a member of a fully paid

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

13 (2) A full-time member, and, ~~beginning January 1, 2022~~ for a  
 14 cancer described in this subsection diagnosed on or after January  
 15 1, 2022, a part-time, paid on-call, or volunteer member, of a fire  
 16 department or public fire authority, and, ~~beginning January 1, 2022~~  
 17 for a cancer described in this subsection diagnosed on or after  
 18 January 1, 2022, a former member who was a full-time, part-time,  
 19 paid on-call, or volunteer member of a fire department or public  
 20 fire authority, who has or had 60 months or more active service in  
 21 the department or public fire authority at the time the cancer  
 22 manifests itself, and who is or was exposed to the hazards  
 23 incidental to fire suppression, rescue, or emergency medical  
 24 services in the performance of ~~his or her~~ **the member's** work-related  
 25 duties with the department or authority shall suspend a claim ~~he or~~  
 26 ~~she~~ **the member** may have against ~~his or her~~ **the member's** employer  
 27 under this act and may claim like benefits from the Christopher R.  
 28 Slezak first responder presumed coverage fund created under  
 29 subsection ~~(6)~~ **(9)** for any respiratory tract, bladder, skin, brain,

1 kidney, blood, thyroid, testicular, prostate, lymphatic, ovarian,  
 2 breast, or non-HPV cervical cancer. ~~Beginning January 1, 2022 for~~

3       **(3) For** a cancer described in this subsection diagnosed on or  
 4 after January 1, 2022, a full-time, part-time, paid on-call,  
 5 volunteer, or former forest fire officer or fire/crash rescue  
 6 officer who has or had 60 months or more active service at the time  
 7 the cancer manifests itself, and who is or was exposed to the  
 8 hazards incidental to fire suppression, rescue, or emergency  
 9 medical services in the performance of ~~his or her~~ **the officer's**  
 10 work-related duties shall suspend a claim ~~he or she~~ **the officer** may  
 11 have against ~~his or her~~ **the officer's** employer under this act and  
 12 may claim like benefits from the Christopher R. Slezak first  
 13 responder presumed coverage fund created under subsection ~~(6)~~ **(9)**  
 14 for any respiratory tract, bladder, skin, brain, kidney, blood,  
 15 thyroid, testicular, prostate, or lymphatic, ovarian, breast, or  
 16 non-HPV cervical cancer.

17       **(4) Beginning January 1, 2026, for a cancer described in this**  
 18 **subsection diagnosed on or after January 1, 2026, a full-time,**  
 19 **part-time, or on-call county medical examiner, deputy county**  
 20 **medical examiner, or medical examiner investigator who has or had**  
 21 **60 months or more active service at the time the cancer manifests**  
 22 **itself, and who is or was exposed to the hazards incidental to fire**  
 23 **suppression, rescue, emergency medical services, or subsequent**  
 24 **investigation of an incident in the performance of the county**  
 25 **medical examiner's, deputy county medical examiner's, or medical**  
 26 **examiner investigator's work-related duties shall suspend a claim**  
 27 **the county medical examiner, deputy county medical examiner, or**  
 28 **medical examiner investigator may have against the county medical**  
 29 **examiner's, deputy county medical examiner's, or medical examiner**

investigator's employer under this act and may claim like benefits from the Christopher R. Slezak first responder presumed coverage fund created under subsection (9) for any respiratory tract, bladder, skin, brain, kidney, blood, thyroid, testicular, prostate, or lymphatic, ovarian, breast, or non-HPV cervical cancer.

(5) The cancers described in ~~this subsection~~ **subsections (2) to (4)** are presumed to arise out of and in the course of employment only with respect to a claim against the fund and in the absence of non-work-related causation or specific incidents that establish a cause independent of the employment. ~~Neither mere~~ **Mere** evidence that the condition was preexisting, ~~nor or~~ an abstract medical opinion that the employment was not the cause of the disease or condition, is **not** sufficient to overcome the presumption for purposes of a claim against the Christopher R. Slezak first responder presumed coverage fund. The presumption under this subsection may be rebutted by scientific evidence that the ~~member or former member of the fire department or public fire authority~~ **claimant or claimant's decedent** was a substantial and consistent user of cigarettes or other tobacco products within the 10 years immediately preceding the date of injury, and that this use was a significant factor in the cause, aggravation, or progression of the cancer. The suspension of ~~the member's or former member's~~ **a** claim against ~~his or her~~ **an** employer under ~~this subsection (2), (3), or (4)~~ **(4)** is in effect only during the period the member, **officer, or county medical examiner, deputy county medical examiner, or medical examiner investigator** receives like benefits from the Christopher R. Slezak first responder presumed coverage fund. If a redemption agreement between the Christopher R. Slezak first responder presumed coverage fund and the claimant is approved, the suspension

of a claim against an employer under ~~this~~ subsection **(2), (3), or (4)** continues indefinitely. A claimant may not receive benefits covering the same time period from both the Christopher R. Slezak first responder presumed coverage fund and the employer. The presumption created in this subsection applies only to a claim for like benefits against the Christopher R. Slezak first responder presumed coverage fund. For purposes of a claim against the Christopher R. Slezak first responder presumed coverage fund created under subsection ~~(6), (9)~~, a fire department or public fire authority is considered the employer of a volunteer member.

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

**(7) (4)** As a condition precedent to filing an application for benefits, a claimant described in subsection (1) or a claimant under subsection **(2), (3), or (4)** must first apply for and do all things necessary to qualify for any pension benefits to which ~~he or she, the claimant,~~ or ~~his or her the claimant's~~ decedent, may be entitled or must demonstrate that ~~he or she, the claimant,~~ or ~~his or her the claimant's~~ decedent, is ineligible for any pension benefits. If a final determination is made that pension benefits will not be awarded or that the claimant or ~~his or her the claimant's~~ decedent is ineligible for any pension benefits, then the designation of "personal injury" as provided in subsection (1) or the presumption under ~~subsection~~ **subsections (2) to (4)** applies. The employer, employee, or former member described in ~~subsection~~ **subsections (2) to (4)** may request 2 copies of the determination denying pension benefits, 1 copy of which must be filed with the

1 workers' compensation agency upon request.

2       **(8)** ~~(5)~~ If an employee described in ~~subsection~~ **subsections** (1)  
 3 ~~or (2) to (4)~~ or a former member described in ~~subsection~~  
 4 **subsections** (2) **to (4)** is eligible for any pension benefits, that  
 5 eligibility does not prohibit the employee or dependents of that  
 6 employee from receiving benefits under section 315 for the medical  
 7 expenses or portion of medical expenses that are not provided for  
 8 by the pension program.

9       **(9)** ~~(6)~~ The Christopher R. Slezak first responder presumed  
 10 coverage fund is created as a separate fund in the state treasury.  
 11 The state treasurer may receive money or other assets from any  
 12 source for deposit into the fund. The state treasurer shall direct  
 13 the investment of the fund. The state treasurer shall credit to the  
 14 fund interest and earnings from fund investments. The director  
 15 shall be the administrator of the fund for auditing purposes. The  
 16 director shall expend money from the fund only for the purpose of  
 17 paying claims authorized under subsection (2), **(3), or (4)** and  
 18 costs of administration. The department of treasury shall cause to  
 19 be paid from the Christopher R. Slezak first responder presumed  
 20 coverage fund those amounts and at those times as are prescribed by  
 21 the director to pay claims under subsection (2), **(3), or (4)**  
 22 pursuant to this subsection and subsection ~~(7)~~ **(10)**. Money in the  
 23 fund at the close of the fiscal year remains in the fund and does  
 24 not lapse to the general fund. If there is insufficient money in  
 25 the fund to pay claims authorized under subsection (2), **(3), or**  
 26 **(4)**, claims that are approved but not paid must be paid if fund  
 27 revenues become available, and those claims must be paid before  
 28 subsequently approved claims. The director shall develop and  
 29 implement a process to notify the legislature that money in the

1 Christopher R. Slezak first responder presumed coverage fund may be  
2 insufficient to cover future claims when the director reasonably  
3 believes that within 60 days the money in the fund will be  
4 insufficient to pay claims. The process must, at a minimum, do all  
5 of the following:

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

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

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

13 **(10)** ~~(7)~~—The director shall develop the application, approval,  
14 and compliance process necessary to operate and manage the  
15 Christopher R. Slezak first responder presumed coverage fund. The  
16 director shall develop and implement the use of an application form  
17 to be used by a claimant for benefits payable by the fund under  
18 subsection (2), **(3), or (4)**. When a claim under subsection (2),  
19 **(3), or (4)** is received, the director shall notify the employer  
20 against whom a claim is suspended or the carrier. The employer or  
21 carrier may access all information the agency receives respecting  
22 the claim and may request that the agency obtain specific  
23 additional information. The fund standards, guidelines, templates,  
24 and any other forms used by the director to implement the  
25 Christopher R. Slezak first responder presumed coverage fund must  
26 be posted and maintained on the department's website. The director  
27 shall review and consider claims in the order in which they are  
28 received and shall approve or deny a claim ~~within~~ **not later than** 30  
29 days after receipt of the claim.

1       **(11)** ~~(8)~~—The director shall submit an annual report to the  
 2 state budget director and the senate and house of representatives  
 3 standing committees on appropriations not later than April 1 of  
 4 each year that includes, but is not limited to, all of the  
 5 following:

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

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

12       (c) The costs of administering the Christopher R. Slezak first  
 13 responder presumed coverage fund in the immediately preceding  
 14 calendar year.

15       **(12)** ~~(9)~~—By March 31 of each year, the worker's compensation  
 16 agency shall report to the chairs of the appropriations committees  
 17 of the senate and the house of representatives the estimated amount  
 18 of both of the following:

19       (a) The anticipated cost of benefits in the next fiscal year  
 20 for claims authorized under subsection (2), **(3)**, **or (4)** and payable  
 21 by the Christopher R. Slezak first responder presumed coverage  
 22 fund.

23       (b) The amount of any anticipated shortfall in the Christopher  
 24 R. Slezak first responder presumed coverage fund that would prevent  
 25 payment of claims under subsection ~~(6)~~ **(9)** for the current fiscal  
 26 year.

27       **(13)** ~~(10)~~—The Christopher R. Slezak first responder presumed  
 28 coverage fund has the same rights under this act as an employer or  
 29 carrier.