

CHAPTER 282

GOVERNMENT - LOCAL

HOUSE BILL 24-1219

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also SENATOR(S) Pelton B. and Mullica, Buckner, Cutter, Exum, Kolker, Liston, Michaelson Jenet, Pelton R., Roberts, Sullivan, Will, Bridges, Fields, Ginal, Hinrichsen, Priola, Zenzinger.

AN ACT

CONCERNING STATE-FUNDED PROGRAMS FOR FIRST RESPONDERS THROUGH MULTIPLE EMPLOYER HEALTH BENEFIT TRUSTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** 29-5-301 as follows:

29-5-301. Definitions. As used in this part 3, unless the context otherwise requires:

(1) "COVERED INDIVIDUAL" MEANS A FIREFIGHTER, PART-TIME FIREFIGHTER, OR VOLUNTEER FIREFIGHTER WHO MEETS THE COVERAGE REQUIREMENTS IN SECTION 29-5-302 (9).

~~(2)~~ (2) "Employer" means a municipality, special district, fire authority, or county improvement district that employs one or more ~~firefighters~~ COVERED INDIVIDUALS. Beginning July 1, 2020, "employer" also means the division of fire prevention and control created in section 24-33.5-1201. "Employer" does not include a power authority created pursuant to section 29-1-204 or a municipally owned utility.

~~(3)~~ (3) "Firefighter" means a full-time, active employee of an employer who regularly works at least one thousand six hundred hours in any calendar year and whose duties are directly involved with the provision of fire protection services.

~~(4)~~ (4) "Heart and circulatory malfunction" means a sudden and serious

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malfunction of the heart and circulatory system as occurs in a diagnosis of coronary thrombosis, cerebral vascular accident, myocardial infarction, or cardiac arrest and that meets the requirements of section 29-5-302 (6). "Heart and circulatory malfunction" does not include hypertension or angina.

(5) "PART-TIME FIREFIGHTER" MEANS AN ACTIVE EMPLOYEE OF AN EMPLOYER WHO REGULARLY WORKS LESS THAN ONE THOUSAND SIX HUNDRED HOURS IN ANY CALENDAR YEAR, WHOSE DUTIES ARE DIRECTLY INVOLVED WITH THE PROVISION OF FIRE PROTECTION SERVICES, AND WHO IS NOT A VOLUNTEER FIREFIGHTER.

~~(4)~~(6) "Volunteer firefighter" means EITHER a volunteer firefighter as defined in section 31-30-1102 ~~C.R.S.~~ OR AN INDIVIDUAL WHO PROVIDES VOLUNTEER SERVICES TO A FIRE AUTHORITY THAT IS CREATED BY AN INTERGOVERNMENTAL AGREEMENT THAT PROVIDES FIRE PROTECTION.

~~(5)~~(7) "Work event" means stressful or strenuous activity related to fire suppression, rescue, hazardous material response, emergency medical services, disaster relief, or other emergency response activity. "Work event" includes a training activity that a ~~firefighter~~ COVERED INDIVIDUAL engages in while on duty and that involves stressful or strenuous activity.

SECTION 2. In Colorado Revised Statutes, 29-5-302, **amend** (1), (2)(a), (2)(b), (2)(d), (2)(e), (3), (4), (5), (8), (9) introductory portion, (9)(a), (9)(b), and (11)(a) as follows:

29-5-302. Required benefits - conditions of receiving benefits. (1) An employer shall maintain accident insurance, self-insure, or participate in a self-insurance pool or a multiple employer health trust in order to provide the benefits specified in this section for its firefighters. ~~In addition, an employer may provide equivalent benefits for volunteer firefighters.~~ COVERED INDIVIDUALS UNLESS THE FUNDING PROVIDED FOR THE BENEFIT REQUIRED BY THIS SECTION IS INSUFFICIENT PURSUANT TO SUBSECTION (12) OF THIS SECTION.

(2) An employer shall provide the following minimum benefits:

(a) (I) A four-thousand-dollar-lump-sum payment if a medical examination reveals that a ~~firefighter~~ COVERED INDIVIDUAL has a heart and circulatory malfunction; and

(II) A one-thousand-five-hundred-dollar payment per week, up to a maximum of seven weeks, if a ~~firefighter~~ COVERED INDIVIDUAL made an emergency room visit and was hospitalized for up to forty-eight hours for a heart and circulatory malfunction;

(b) (I) A two-thousand-dollar payment per week, up to a maximum of twenty-five weeks, if a ~~firefighter~~ COVERED INDIVIDUAL made an emergency room visit and was hospitalized for more than forty-eight hours for a heart and circulatory malfunction; or

(II) A two-thousand-five-hundred-dollar payment PER WEEK, up to a maximum of eighty weeks, if a ~~firefighter~~ COVERED INDIVIDUAL has a heart and circulatory

malfunction that prohibits the ~~firefighter~~ COVERED INDIVIDUAL from returning to employment to a position that the ~~firefighter~~ COVERED INDIVIDUAL is trained for or reasonably could be trained to perform;

(d) A ten-thousand-dollar payment if a ~~firefighter~~ COVERED INDIVIDUAL incurs cosmetic disfigurement resulting from a heart and circulatory malfunction; and

(e) If the covered heart and circulatory malfunction is diagnosed as terminal, ~~the firefighter will receive~~ a lump sum payment of twenty-five thousand dollars as an accelerated payment toward the benefits due in ~~paragraphs (a) and (b) of this subsection (2)~~ SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION.

(3) The receipt of a payment pursuant to ~~subparagraph (II) of paragraph (a) or subparagraph (I) of paragraph (b) of subsection (2) of this section~~ SUBSECTION (2)(a)(II) OR (2)(b)(I) OF THIS SECTION does not prohibit the ~~firefighter~~ COVERED INDIVIDUAL from receiving an additional benefit.

(4) If a ~~firefighter~~ COVERED INDIVIDUAL returns to the same position of employment after a heart and circulatory malfunction, the ~~firefighter~~ COVERED INDIVIDUAL is entitled to the benefits in subsection (2) of this section for any subsequent heart and circulatory malfunction.

(5) The maximum amount that may be paid to a ~~firefighter~~ COVERED INDIVIDUAL for each heart and circulatory malfunction is two hundred fifty thousand dollars.

(8) The benefits in this section are reduced by twenty-five percent if a ~~firefighter~~ COVERED INDIVIDUAL smoked a tobacco product within five years immediately preceding the work event.

(9) In order for a ~~firefighter~~ COVERED INDIVIDUAL to be eligible for the benefits in subsection (2) of this section, the following conditions must be met:

(a) Prior to the work event that results in a heart and circulatory malfunction and after the ~~firefighter~~ COVERED INDIVIDUAL became employed by an employer, the ~~firefighter~~ COVERED INDIVIDUAL had a medical examination that would reasonably have found an illness or injury that could have caused the heart and circulatory malfunction and no illness or injury was found at the most recent SUCH medical examination;

(b) ~~The~~ A COVERED INDIVIDUAL WHO IS A ~~firefighter~~ ~~has~~ MUST HAVE at least five years of continuous, full-time employment with an employer; ~~except~~ A COVERED INDIVIDUAL WHO IS A PART-TIME FIREFIGHTER MUST HAVE AT LEAST FIVE YEARS OF CONTINUOUS, PART-TIME OR FULL-TIME EMPLOYMENT WITH AN EMPLOYER; AND A COVERED INDIVIDUAL WHO IS A volunteer firefighter must have AT LEAST five years of continuous service with the same employer; and

(11)(a) There is hereby created in the state treasury the firefighter benefits cash fund. The fund consists of ~~moneys~~ MONEY appropriated from the general fund by the general assembly. The ~~moneys~~ MONEY in the fund ~~are~~ IS subject to annual appropriation by the general assembly to the department of local affairs for the purpose of reimbursing employers for the direct costs of maintaining accident

insurance, self-insurance, or participation in a self-insurance pool or multiple employer health trust as required by this part 3 AND PART 4 OF ARTICLE 5 OF TITLE 29.

(I) ON JULY 1, 2028, THE STATE TREASURER SHALL TRANSFER TWO MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE FUND FROM THE GENERAL FUND, AND ON EACH JULY 1 THEREAFTER, SUFFICIENT FUNDS, SUBJECT TO ANNUAL APPROPRIATION, TO REIMBURSE EMPLOYERS FOR THE DIRECT COSTS OF PROVIDING THE BENEFITS REQUIRED BY PARTS 3 AND 4 OF ARTICLE 5 OF TITLE 29 FOR VOLUNTEER AND PART-TIME FIREFIGHTERS.

(II) THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE HUNDRED THOUSAND DOLLARS FOR THE STATE FISCAL YEAR BEGINNING ON JULY 1, 2024, FIVE HUNDRED THOUSAND DOLLARS FOR THE STATE FISCAL YEAR BEGINNING ON JULY 1, 2025, SIX HUNDRED FIFTY THOUSAND DOLLARS FOR THE STATE FISCAL YEAR BEGINNING ON JULY 1, 2026, AND ONE MILLION DOLLARS FOR THE STATE FISCAL YEAR BEGINNING ON JULY 1 2027, FROM THE GENERAL FUND TO THE DEPARTMENT OF LOCAL AFFAIRS TO REDUCE PARTICIPATING EMPLOYER CONTRIBUTIONS FOR VOLUNTEER FIREFIGHTERS AND PART-TIME FIREFIGHTERS. MONEY APPROPRIATED PURSUANT TO THIS SUBSECTION (11)(a)(II) SHALL BE FIRST USED TO REDUCE PARTICIPATING EMPLOYER CONTRIBUTIONS FOR VOLUNTEER FIREFIGHTERS AND THE REMAINDER SHALL BE FIRST USED FOR PART-TIME FIREFIGHTERS AND ANY REMAINING AMOUNTS MAY THEN BE USED FOR FULL-TIME FIREFIGHTERS.

(III) SUBSECTION (11)(a)(II) OF THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2028.

SECTION 3. In Colorado Revised Statutes, 29-5-403, **amend** (1) and (2) as follows:

29-5-403. Required benefits - conditions of receiving benefits. (1) An employer ~~may~~ SHALL participate in ~~the voluntary firefighter cancer benefits program by paying contributions into~~ AND MAKE CONTRIBUTIONS TO a multiple employer health trust as set forth in section 10-3-903.5 (7)(b)(I), established for the purposes of this part 4. The contribution levels, IF ANY, and award level definitions will be set by the trust. IF AT ANY TIME THE FUNDING PROVIDED IS INSUFFICIENT TO COVER THE COST OF THE PROGRAM REQUIRED BY THIS SECTION, THEN PARTICIPATION IN THE PROGRAM IS OPTIONAL PURSUANT TO SECTION 29-1-304.5.

(2) ~~For an employer choosing to participate in the voluntary~~ A MULTIPLE EMPLOYER HEALTH TRUST THAT IS ESTABLISHED TO PROVIDE A firefighter cancer benefits program ~~the trust~~ shall provide the minimum benefits specified in subsection (3) of this section to covered individuals diagnosed with cancer, based on the award level of the cancer at the time of diagnosis, after the employer becomes a participant.

SECTION 4. In Colorado Revised Statutes, **amend** 29-5-405 as follows:

29-5-405. Exclusion from coverage. REGARDLESS OF THE FUNDING PROVIDED, an employer who participates in the ~~voluntary~~ firefighter cancer benefits program created in this part 4 is not subject to section 8-41-209 (1) and (2) unless the

employer ends participation in the program.

SECTION 5. In Colorado Revised Statutes, **add** part 6 to article 5 of title 29 as follows:

PART 6
PUBLIC SAFETY CARDIAC SCREENING TRUST

29-5-601. Short title. THE SHORT TITLE OF THIS PART 6 IS THE "HUGH MCKEAN ACT".

29-5-602. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) IT IS IMPORTANT TO PROVIDE COLORADO PEACE OFFICERS WITH ACCESS TO LIFE-SAVING HEALTH SCREENINGS THAT HAVE BEEN PROVEN TO MITIGATE THE PHYSICAL HEALTH EFFECTS OF EXPOSURE TO MULTIPLE TRAUMATIC EVENTS EXPERIENCED BY PEACE OFFICERS IN THE COURSE OF THEIR DUTIES;

(b) EXPOSURE TO THESE TRAUMATIC EVENTS AND OTHER JOB-RELATED STRESS FACTORS ARE ASSOCIATED WITH EARLY ONSET CARDIAC DISEASE AND OTHER CARDIAC-RELATED HEALTH ISSUES THAT ARE FOUND AT A MUCH HIGHER RATE AMONG PEACE OFFICERS;

(c) EARLY INTERVENTION HAS BEEN FOUND TO BE KEY IN COMBATING THE TRAGIC HEALTH CONSEQUENCES OF WORKING IN PUBLIC SAFETY;

(d) THIS PART 6 PROVIDES FUNDING FOR COSTS ASSOCIATED WITH OBTAINING THESE IMPORTANT SCREENINGS AND OTHER RECOMMENDED TESTING;

(e) WHILE OTHER SCREENING MAY BE AVAILABLE, THE SCREENINGS PROVIDED THROUGH A TRUST MODEL ARE TARGETED AND TAILORED TO INDIVIDUALS SERVING IN PUBLIC SAFETY ROLES;

(f) THE TRUST MODEL HAS BEEN PROVEN TO BE SUCCESSFUL AND SHOULD BE ADOPTED STATEWIDE IN ORDER TO SCREEN MORE PUBLIC SAFETY PERSONNEL;

(g) CARDIAC AND OTHER HEALTH SCREENINGS ARE AN EFFICIENT USE OF PUBLIC RESOURCES BECAUSE EARLY SCREENING CAN HELP PUBLIC SAFETY PERSONNEL GET NECESSARY TREATMENT AND AVOID MUCH HIGHER COSTS; AND

(h) THIS VITAL SCREENING MAY ALLOW SEASONED PROFESSIONALS TO SERVE IN POSITIONS LONGER, SAVING RESOURCES THAT WOULD BE NECESSARY TO TRAIN NEW EMPLOYEES.

29-5-603. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "EMPLOYER" MEANS A MUNICIPALITY, COUNTY, DISTRICT ATTORNEY, OR STATE AGENCY THAT EMPLOYS ONE OR MORE PEACE OFFICERS.

(2) "PEACE OFFICER" MEANS A PEACE OFFICER DESCRIBED IN SECTION 16-2.5-101 (1).

(3) "TRUST" MEANS A MULTIPLE EMPLOYER HEALTH TRUST DESCRIBED IN SECTION 10-3-903.5 (7)(b)(I) THAT IS ESTABLISHED FOR THE PURPOSES OF THIS PART 6.

29-5-604. Employer participation in health trust required - cardiovascular screening for peace officers. (1) AN EMPLOYER SHALL PARTICIPATE IN A TRUST IN ORDER TO PROVIDE THE PROGRAM SPECIFIED IN THIS SECTION FOR ITS PEACE OFFICERS. IF AT ANY TIME THE FUNDING PROVIDED PURSUANT TO SUBSECTION (3) OF THIS SECTION IS INSUFFICIENT TO COVER THE COST OF THE PROGRAM REQUIRED BY THIS SECTION, THE REQUIREMENT TO PARTICIPATE IN THE PROGRAM BECOMES OPTIONAL PURSUANT TO SECTION 29-1-304.5.

(2) A TRUST MUST PROVIDE A PROGRAM THAT IS PLANNED, ORGANIZED, OPERATED, AND MAINTAINED TO COVER THE COSTS ASSOCIATED WITH CARDIOVASCULAR SCREENINGS, AT A MINIMUM, AND OTHER HEALTH SCREENINGS AND PREVENTION, AS PRACTICABLE, FOR PEACE OFFICERS.

(3) (a) (I) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE GENERAL FUND OR ANY OTHER AUTHORIZED SOURCE TO THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF REIMBURSING A MULTIPLE EMPLOYER HEALTH TRUST FOR THE DIRECT COSTS OF PROVIDING A PROGRAM AS REQUIRED BY THIS PART 6 AS FOLLOWS:

(A) FOR THE STATE FISCAL YEAR BEGINNING ON JULY 1, 2024, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY TO BE USED FOR THE PURPOSE SET FORTH IN SUBSECTION (3)(a)(I) OF THIS SECTION;

(B) FOR THE STATE FISCAL YEAR BEGINNING ON JULY 1, 2025, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY TO BE USED FOR THE PURPOSE SET FORTH IN SUBSECTION (3)(a)(I) OF THIS SECTION;

(C) FOR THE STATE FISCAL YEAR BEGINNING ON JULY 1, 2026, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY TO BE USED FOR THE PURPOSE SET FORTH IN SUBSECTION (3)(a)(I) OF THIS SECTION;

(D) FOR THE STATE FISCAL YEAR BEGINNING ON JULY 1, 2027, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY TO BE USED FOR THE PURPOSE SET FORTH IN SUBSECTION (3)(a)(I) OF THIS SECTION; AND

(E) FOR THE STATE FISCAL YEAR BEGINNING ON JULY 1, 2028, THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE MILLION DOLLARS FROM THE GENERAL FUND,

AND ON EACH JULY 1 THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT FUNDS, SUBJECT TO ANNUAL APPROPRIATION, TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY TO BE USED FOR THE PURPOSE SET FORTH IN SUBSECTION (3)(a)(I) OF THIS SECTION.

(II) THE DIVISION OF CRIMINAL JUSTICE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 6.

(b) THE DIVISION OF CRIMINAL JUSTICE SHALL USE MONEY APPROPRIATED PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION OR RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION TO REIMBURSE A MULTIPLE EMPLOYER HEALTH TRUST FOR THE DIRECT COSTS OF PROVIDING A PROGRAM AS REQUIRED BY THIS PART 6.

(4) AN EMPLOYER MAY CONSENT TO PARTICIPATE IN A VOLUNTARY HEALTH SCREENING AND PREVENTION PROGRAM, IF THE PROGRAM BECOMES OPTIONAL PURSUANT TO SUBSECTION (1) OF THIS SECTION, BY CONTRIBUTING INTO A MULTIPLE EMPLOYER HEALTH TRUST AS SET FORTH IN SECTION 10-3-903.5 (7)(b)(I), WHICH TRUST IS ESTABLISHED FOR THE PURPOSES OF THIS PART 6. THE CONTRIBUTION LEVELS AND AWARD LEVEL DEFINITIONS WILL BE SET BY THE TRUST.

29-5-605. Trust authority. (1) IN ADDITION TO ANY OTHER AUTHORITY GIVEN TO THE TRUST, THE TRUST HAS THE AUTHORITY TO:

(a) CREATE A PROGRAM DESCRIPTION TO FURTHER DEFINE THE SERVICES AVAILABLE PURSUANT TO THIS PART 6;

(b) STRUCTURE THE PROGRAM BASED ON ACTUARIAL RECOMMENDATIONS AND WITH INPUT FROM A COMMITTEE OF THE TRUST CONSISTING OF REPRESENTATIVES OF LABOR, MANAGEMENT, ADMINISTRATION, AND EMPLOYERS SERVING DIFFERENT SIZED POPULATIONS, AS DETERMINED BY THE TRUSTEES OF THE TRUST; AND

(c) ADOPT POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF THE TRUST.

SECTION 6. In Colorado Revised Statutes, 8-3.3-114, **amend** (6)(b) as follows:

8-3.3-114. Impasse resolution - fact finding - rules. (6) (b) Bargaining units of a local government employer that include firefighters, as defined in section ~~29-5-301(2)~~ 29-5-301 (3), must comply with post-fact-finding procedures in section 29-5-210 (9), (10), and (13).

SECTION 7. Appropriation. (1) For the 2024-25 state fiscal year, \$300,000 is appropriated to the department of local affairs for use by the division of local government. This appropriation is from the general fund. To implement this act, the division may use this appropriation for firefighter heart and circulatory malfunction benefits.

(2) For the 2024-25 state fiscal year, \$200,000 is appropriated to the department of public safety for use by the division of criminal justice. This appropriation is

from the general fund. To implement this act, the division may use this appropriation for the purposes specified in section 29-5-603 (3)(a)(I), C.R.S.

SECTION 8. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: May 29, 2024