

SENATE BILL NO. 161

March 18, 2025, Introduced by Senator BUMSTEAD and referred to Committee on Labor.

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, paid on-call, or**
2 **volunteer** member of a ~~fully paid~~ fire department of an airport
3 operated by a county, public airport authority, or state university
4 or college; a **full-time, part-time, or paid on-call** member of a
5 ~~fully paid fire or~~ police department of a city, township, or

1 village; ~~employed and compensated upon a full-time basis;~~ a **full-**
 2 **time, part-time, paid on-call, or volunteer** member of a ~~fully paid~~
 3 **fire or public safety department of a city, township, or village or**
 4 **a public fire authority;** ~~employed and compensated upon a full-time~~
 5 ~~basis;~~ a county sheriff and the deputies of the county sheriff; a
 6 member of the state police; a conservation officer; **a forest fire**
 7 **officer;** or an officer of the motor carrier enforcement division of
 8 the department of state police, "personal injury" includes
 9 respiratory and heart diseases ~~, or illnesses resulting therefrom,~~
 10 **from respiratory and heart diseases** that develop or manifest
 11 ~~themselves~~ during a period while the member of the department is in
 12 the active service of the department and that result from the
 13 performance of duties for the 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, 2022~~
 18 for a cancer described in this subsection diagnosed on or after
 19 January 1, 2022, a former member who was a full-time, part-time,
 20 paid on-call, or volunteer member of a fire department or public
 21 fire authority, who has or had 60 months or more active service in
 22 the department or public fire authority at the time the cancer
 23 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 receives like
 8 benefits from the Christopher R. Slezak first responder presumed
 9 coverage fund. If a redemption agreement between the Christopher R.
 10 Slezak first responder presumed coverage fund and the claimant is
 11 approved, the suspension of a claim against an employer under this
 12 subsection continues indefinitely. A claimant may not receive
 13 benefits covering the same time period from both the Christopher R.
 14 Slezak first responder presumed coverage fund and the employer. The
 15 presumption created in this subsection applies only to a claim for
 16 like benefits against the Christopher R. Slezak first responder
 17 presumed coverage fund. For purposes of a claim against the
 18 Christopher R. Slezak first responder presumed coverage fund
 19 created under subsection (6), a fire department or public fire
 20 authority is considered the employer of a volunteer member.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (a) The anticipated cost of benefits in the next fiscal year
28 for claims authorized under subsection (2) and payable by the
29 Christopher R. Slezak first responder presumed coverage fund.

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

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