

## RÉSUMÉ DIGEST

ACT 346 (HB 460)

2017 Regular Session

Berthelot

Existing law creates the "Two Percent Fire Insurance Fund" (fund). Existing law provides that monies in the fund shall be available in amounts appropriated annually by the legislature for certain purposes in a certain order of priority. New law adds to the list of purposes providing for the state fire marshal, an amount necessary to satisfy the requirements of new law, relative to the purchase of group critical illness insurance for volunteer members of fire companies. New law places this stated purpose last in the priority list established by existing law.

New law defines the terms "fire company" and "volunteer member" for the purposes of new law.

New law provides that the legislature of the state of Louisiana finds all of the following:

- (1) That the fire prevention and suppression services provided by volunteer fire companies are vital to the protection of the citizens of the state.
- (2) That the provisions of new law are intended to empower the state fire marshal with a means by which he may provide insurance coverage to volunteer members of fire companies relative to treatment of heart and lung disease, stroke, and certain types of cancer.
- (3) That the remedies provided for by new law shall constitute the exclusive remedy, as described in existing law (R.S. 23:1032), available to any volunteer member against a fire company.

New law provides that, for the purposes of new law, the state fire marshal is authorized to negotiate for and purchase out of funds available in the fund, provided for in existing law (R.S. 22:347), a group critical illness policy to provide for a lump sum benefit for volunteer members.

New law provides that when a volunteer member is diagnosed with any disease or infirmity of the heart or lungs, stroke, or cancer, the disease, infirmity, stroke, or cancer shall be presumed to have been caused by or to have resulted from his service as a volunteer member of a fire company due to exposure to heat, smoke, fumes, or other carcinogenic, poisonous, toxic, or chemical substances. New law declares that the presumption shall be rebuttable by evidence meeting the appropriate legal standard.

New law provides that notwithstanding the provisions of new law, the provisions of new law shall be applicable only to certain types of cancer. Any type of cancer meeting all of the following criteria shall be deemed to meet the requirements of this Subsection:

- (1) Diagnosed as leukemia, lymphoma, or multiple myeloma or any other type of cancer that may be caused by exposure to heat, smoke, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer.
- (2) Diagnosed as originating in the bladder, brain, breast, colon, liver, lungs, pancreas, reproductive tract, skin, kidney, testicle, or gastrointestinal tract.

New law provides that, in the event that a volunteer member is diagnosed with heart or lung disease, stroke, or a type of cancer meeting the requirements of new law, all of the following criteria shall apply in determination of the eligibility of the volunteer member for receiving the benefits provided pursuant to the group policy described in new law:

- (1) The volunteer member shall have completed five or more years of service with the fire company.
- (2) The name of the member must have been carried on the membership list of the fire company immediately prior to when his membership with the fire company ceased.

New law provides that, in the event a volunteer member is determined to be eligible to receive a benefit pursuant to new law, the option to enroll for this benefit shall be offered to the volunteer member for no less than ninety days from the date his membership ceased as a volunteer member with the fire company.

New law provides that any eligible volunteer member who enrolls to receive the benefit shall be entitled to receive the benefit through the age of 70 with coverage terminating when the volunteer member attains the age of 71.

New law requires the state fire marshal to deliver to each fire company a printed or electronic notice concerning the policy requirements as to written notice of claim and written proof of loss including the period in which a claim must be filed. The fire company shall post such notice in a conspicuous place at its facilities.

New law requires fire companies to provide to the state fire marshal, upon request and within a reasonable time period, any documents, materials, or other information necessary to administer the provisions of new law.

New law clarifies that the state fire marshal is authorized to promulgate any rules or regulations necessary to administer the provisions of new law in accordance with the Administrative Procedure Act (R.S. 49:950, et seq.).

Effective August 1, 2017.

(Adds R.S. 22:347(A)(1)(c) and R.S. 40:1593.1)