

# ACT No. 346

HOUSE BILL NO. 460

BY REPRESENTATIVES BERTHELOT, ABRAHAM, AMEDEE, BACALA, BAGNERIS, BARRAS, BILLIOT, CHAD BROWN, TERRY BROWN, CARMODY, ROBBY CARTER, STEVE CARTER, CHANEY, CONNICK, COX, DEVILLIER, EDMONDS, FALCONER, FOIL, FRANKLIN, GISCLAIR, LANCE HARRIS, HAVARD, HAZEL, HORTON, HOWARD, HUVAL, JOHNSON, JONES, LEOPOLD, LYONS, MARCELLE, MARINO, MCFARLAND, MIGUEZ, NORTON, POPE, PUGH, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SCHRODER, SHADOIN, STAGNI, STEFANSKI, AND STOKES AND SENATORS APPEL, CORTEZ, MARTINY, AND THOMPSON

1 AN ACT

2 To enact R.S. 22:347(A)(1)(c) and R.S. 40:1593.1, relative to the authority of the state fire  
3 marshal to purchase group insurance; to provide for disposition of monies; to provide  
4 for definitions; to provide for legislative findings; to authorize the purchase of  
5 certain group insurance; to require certain qualifications for benefit eligibility; to  
6 limit eligibility; to provide for procedure; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:347(A)(1)(c) is enacted to read as follows:

9 §347. Disposition of tax money

10 A. Monies collected under R.S. 22:342 through 349, after being first credited  
11 to the Bond Security and Redemption Fund in accordance with Article VII, Section  
12 9(B) of the Constitution of Louisiana, shall be credited to a special fund hereby  
13 established in the state treasury and known as the "Two Percent Fire Insurance Fund"  
14 hereinafter the "fund". Monies in the fund shall be available in amounts appropriated  
15 annually by the legislature for the following purposes in the following order of  
16 priority:

1 (1)

2 \* \* \*

3 (c) For the state fire marshal, an amount necessary to satisfy the  
4 requirements of R.S. 40:1593.1, relative to the purchase of group critical illness  
5 insurance for volunteer members of fire companies.

6 \* \* \*

7 Section 2. R.S. 40:1593.1 is hereby enacted to read as follows:

8 §1593.1. Volunteer members of fire companies; legislative findings; insurance;  
9 applicability; limitations; procedure

10 A. As used in this Section, the following terms and phrases have the  
11 meanings hereinafter ascribed to them:

12 (1) "Fire company" means any organization established to provide fire  
13 prevention and suppression services for the general public.

14 (2) "Volunteer member" means any individual who is carried on the  
15 membership list of the fire company as an active participant in the normal functions  
16 of the organization and who receives either nominal or no remuneration for his  
17 services.

18 B. The legislature of the state of Louisiana finds all of the following:

19 (1) That the fire prevention and suppression services provided by volunteer  
20 fire companies are vital to the protection of the citizens of the state.

21 (2) That the provisions of this Section are intended to empower the state fire  
22 marshal with a means by which he may provide insurance coverage to volunteer  
23 members of fire companies for the treatment of heart and lung disease, stroke, and  
24 certain types of cancer.

25 (3) That the remedies provided for by this Section shall constitute the  
26 exclusive remedy, as described in R.S. 23:1032, available to any volunteer member  
27 against a fire company.

28 C. For the purposes of this Section, the state fire marshal is authorized to  
29 negotiate for and purchase out of funds available in the Two Percent Fire Insurance

1 Fund, provided for in R.S. 22:347, a group critical illness policy to provide for a  
2 lump sum benefit for volunteer members.

3 D.(1) When a volunteer member is diagnosed with any disease or infirmity  
4 of the heart or lungs, stroke, or cancer, the disease, infirmity, stroke, or cancer shall  
5 be presumed to have been caused by or to have resulted from his service as a  
6 volunteer member of a fire company due to exposure to heat, smoke, fumes, or other  
7 carcinogenic, poisonous, toxic, or chemical substances. This presumption shall be  
8 rebuttable by evidence meeting the appropriate legal standard.

9 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the  
10 provisions of this Section shall be applicable only to certain types of cancer. Any  
11 type of cancer meeting all of the following criteria shall be deemed to meet the  
12 requirements of this Subsection:

13 (a) Diagnosed as leukemia, lymphoma, or multiple myeloma or any other  
14 type of cancer that may be caused by exposure to heat, smoke, radiation, or a known  
15 or suspected carcinogen as defined by the International Agency for Research on  
16 Cancer.

17 (b) Diagnosed as originating in the bladder, brain, breast, colon, liver, lungs,  
18 pancreas, reproductive tract, skin, kidney, testicle, or gastrointestinal tract.

19 E.(1) In the event that a volunteer member is diagnosed with heart or lung  
20 disease, stroke, or a type of cancer meeting the requirements of Subsection D of this  
21 Section, all of the following criteria shall apply in determination of the eligibility of  
22 the volunteer member for receiving the benefits provided pursuant to the group  
23 policy described in Subsection C of this Section:

24 (a) The volunteer member shall have completed five or more years of service  
25 with the fire company.

26 (b) The name of the member must have been carried on the membership list  
27 of the fire company immediately prior to when his membership with the fire  
28 company ceased.

29 (2)(a) In the event a volunteer member is determined to be eligible to receive  
30 a benefit pursuant to this Section, the option to enroll for this benefit shall be offered

1 to the volunteer member for no less than ninety days from the date his membership  
2 ceased as a volunteer member with the fire company.

3 (b) Any eligible volunteer member who enrolls to receive the benefit shall  
4 be entitled to receive the benefit through the age of seventy with coverage  
5 terminating when the volunteer member attains the age of seventy-one.

6 F.(1) The state fire marshal shall deliver to each fire company a printed or  
7 electronic notice concerning the policy requirements as to written notice of claim and  
8 written proof of loss including the period in which a claim must be filed. The fire  
9 company shall post such notice in a conspicuous place at its facilities.

10 (2) A fire company shall provide to the state fire marshal, upon request and  
11 within a reasonable time period, any documents, materials, or other information  
12 necessary to administer the provisions of this Section.

13 (3) The state fire marshal is authorized to promulgate any rules or  
14 regulations necessary to administer the provisions of this Section in accordance with  
15 the Administrative Procedure Act, R.S. 49:950, et seq.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_