

By: Representatives Hale, Carpenter, Creekmore IV, Eure, Evans (91st), Ford (73rd), Goodin, Horan, Pigott, Rushing, Scoggin, Tubb

To: Insurance; Appropriations

HOUSE BILL NO. 1033

1 AN ACT TO AMEND SECTIONS 25-15-405 AND 25-25-409, MISSISSIPPI  
2 CODE OF 1972, TO REVISE THE MISSISSIPPI FIRST RESPONDERS HEALTH  
3 AND SAFETY ACT TO PROVIDE THAT THE CANCER BENEFITS UNDER THE ACT  
4 WILL NOT BE PAID FROM INSURANCE POLICIES BUT SHALL BE PAID BY THE  
5 ATTORNEY GENERAL'S OFFICE FROM FUNDS APPROPRIATED BY THE  
6 LEGISLATURE; TO REPEAL SECTION 25-15-407, MISSISSIPPI CODE OF  
7 1972, WHICH PROVIDES THAT THE COST OF PURCHASING INSURANCE  
8 POLICIES THAT PROVIDE FOR CANCER COVERAGE MUST BE BORNE BY THE  
9 FIRST RESPONDERS' EMPLOYERS; TO AMEND SECTION 7, CHAPTER 467, LAWS  
10 OF 2019, AS LAST AMENDED BY SECTION 2, CHAPTER 364, LAWS OF 2021,  
11 TO REVISE THE EFFECTIVE DATE OF THE MISSISSIPPI FIRST RESPONDERS  
12 HEALTH AND SAFETY ACT TO CONFORM WITH THIS ACT; AND FOR RELATED  
13 PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** Section 25-15-405, Mississippi Code of 1972, is  
16 amended as follows:

17 25-15-405. (1) As an alternative to pursuing workers'  
18 compensation benefits, upon a diagnosis of cancer, a first  
19 responder is entitled to the following benefits:

20 (a) Provided the diagnosis occurs on or after the first  
21 responder's effective date of coverage and for five (5) years  
22 after retirement, a \* \* \* benefit of up to Thirty-five Thousand  
23 Dollars (\$35,000.00) of coverage for each approved claim of a



24 diagnosis payable to the first responder upon acceptable proof to  
25 the \* \* \* Attorney General's Office of a diagnosis by a  
26 board-certified physician in the medical specialty appropriate for  
27 the type of cancer diagnosed that the cancer was caused by an  
28 occupational hazard and that there are one or more malignant  
29 tumors characterized by the uncontrollable and abnormal growth and  
30 spread of malignant cells with invasion of normal tissue and that  
31 either:

32 (i) There is metastasis, and surgery, radiotherapy  
33 or chemotherapy is medically necessary;

34 (ii) There is a tumor of the prostate, provided  
35 that it is treated with radical prostatectomy or external beam  
36 therapy; or

37 (iii) The first responder has terminal cancer, his  
38 or her life expectancy is twenty-four (24) months or less from the  
39 date of diagnosis, and will not benefit from, or has exhausted,  
40 curative therapy.

41 (b) Provided the diagnosis occurs on or after the first  
42 responder's effective date of coverage and for up to five (5)  
43 years after retirement, a \* \* \* benefit of up to Six Thousand Two  
44 Hundred Fifty Dollars (\$6,250.00) for each approved claim of a  
45 diagnosis payable to the first responder upon acceptable proof to  
46 the \* \* \* Attorney General's Office of a diagnosis by a  
47 board-certified physician in the medical specialty appropriate for  
48 the type of cancer involved that:



49 (i) There is carcinoma in situ such that surgery,  
50 radiotherapy or chemotherapy has been determined to be medically  
51 necessary;

52 (ii) There are malignant tumors which are treated  
53 by endoscopic procedures alone; or

54 (iii) There are malignant melanomas.

55 (c) The combined total of benefits received by any  
56 first responder under paragraphs (a) and (b) of this subsection  
57 (1) during his or her lifetime shall not exceed Fifty Thousand  
58 Dollars (\$50,000.00).

59 (d) Provided the date of disability occurs on or after  
60 the first responder's effective date of coverage, a disability  
61 benefit payable as a result of a specific cancer to begin six (6)  
62 months after the date of disability and submission to the \* \* \*  
63 Attorney General's Office of acceptable proof of disability caused  
64 by the specified disease or events such that the illness precludes  
65 the first responder from serving as a first responder:

66 (i) For nonvolunteer first responders, a monthly  
67 benefit equal to sixty percent (60%) of the first responder's  
68 monthly salary as an employed first responder with a fire or  
69 police department or a monthly benefit of Five Thousand Dollars  
70 (\$5,000.00), whichever is less, of which the first payment shall  
71 be made six (6) months after the total disability and shall  
72 continue for thirty-six (36) consecutive monthly payments unless  
73 the first responder regains the ability to perform his or her



74 duties as determined by reevaluation under subparagraph (iv) of  
75 this paragraph, at which time the payments shall cease the last  
76 day of the month of reevaluation;

77 (ii) For volunteer firefighters, a monthly benefit  
78 of One Thousand Five Hundred Dollars (\$1,500.00) of which the  
79 first payment shall be made six (6) months after the total  
80 disability and shall continue for thirty-six (36) consecutive  
81 monthly payments unless the first responder regains the ability to  
82 perform his or her duties as determined by reevaluation under  
83 subparagraph (iv) of this paragraph, at which time the payments  
84 shall cease the last day of the month of reevaluation;

85 (iii) Such monthly benefit shall be subordinate to  
86 any other benefit actually paid to the first responder solely for  
87 such disability from any other source, not including private  
88 insurance purchased solely by the first responder;

89 (iv) Any first responder receiving the monthly  
90 benefits may be required to have his or her condition reevaluated.  
91 In the event any such reevaluation reveals that such person has  
92 regained the ability to perform duties as a first responder, then  
93 his or her monthly benefits shall cease the last day of the month  
94 of reevaluation; and

95 (v) In the event that there is a subsequent  
96 recurrence of a disability caused by a specified cancer, which  
97 precludes the first responder from serving as a first responder,



98 he or she shall be entitled to receive any remaining monthly  
99 payments.

100 (e) An eligible first responder who dies as a result of  
101 a compensable type of cancer, or circumstances arising out of the  
102 treatment of a compensable type of cancer, but does not submit  
103 sufficient proof of claim prior to the first responder's death, is  
104 entitled to receive benefits specified in paragraphs (a) and (b)  
105 of this subsection (1) and made available to the deceased first  
106 responder's beneficiary or beneficiaries.

107 \* \* \*

108 ( \* \* \* f) An otherwise eligible first responder shall  
109 be precluded from the benefits listed under this section if he or  
110 she has filed for workers' compensation for the same diagnosis of  
111 cancer.

112 **SECTION 2.** Section 25-15-409, Mississippi Code of 1972, is  
113 amended as follows:

114 25-15-409. (1) The state, \* \* \* not later than \* \* \* April  
115 1, \* \* \* 2022, \* \* \* shall appropriate Two Hundred Fifty Thousand  
116 Dollars (\$250,000.00) to the Attorney General's Office to fund the  
117 benefits payable under this article.

118 (2) The \* \* \* Attorney General shall adopt such rules and  
119 regulations as are reasonable and necessary to implement the  
120 provisions of this article. Such regulations shall include the  
121 process by which a first responder files a claim or claims for



122 cancer and the process by which claimants can appeal a denial of  
123 benefits.

124 (3) The \* \* \* Attorney General shall \* \* \* establish  
125 firefighter cancer prevention best practices as it relates to  
126 personal protective equipment, decontamination, fire suppression,  
127 apparatus and fire stations.

128 **SECTION 3.** Section 25-15-407, Mississippi Code of 1972,  
129 which provides that the cost of purchasing insurance policies that  
130 provide for cancer coverage must be borne by the first responders'  
131 employers, is repealed.

132 **SECTION 4.** Section 7, Chapter 467, Laws of 2019, as amended  
133 by Section 2, Chapter 471, Laws of 2020, as amended by Section 2,  
134 Chapter 364, Laws of 2021, which provides for the effective date  
135 of the Mississippi First Responders Health and Safety Act, is  
136 amended as follows:

137 Section 7. This act shall take effect and be in force from  
138 and after \* \* \* the effective date of House Bill No. 1033, 2022  
139 Regular Session.

140 **SECTION 5.** This act shall take effect and be in force from  
141 and after its passage.

