

Honolulu, Hawaii

FEB 17 2017

RE: S.B. No. 383
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 383 entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL COVERAGE FOR FIREFIGHTERS,"

beg leave to report as follows:

The purpose and intent of this measure is to provide benefits for individuals who are or have previous service as a federal, state, or county firefighter in the State and develop cancer. Specifically, this measure:

- (1) Creates a rebuttable presumption that the cancer arose out of and in the course of employment as a firefighter and establishes the presumption in perpetuity following termination of service as a firefighter;
- (2) Provides access to medical coverage for cancer treatment;
- (3) Creates a process separate from the existing workers' compensation system under chapter 386, Hawaii Revised Statutes, to be used to access certain benefits due to lost wages or death due to the cancer; and
- (4) Authorizes the awarding of certain retirement benefits for disability or death due to the cancer if certain conditions are met.



Your Committees received testimony in support of this measure from the State Fire Council; State of Hawaii Organization of Police Officers; Kaua'i Fire Department; The Maritime Group, LLC; Ho'omana Pono, LLC; Hawaii Fire Fighters Association, Local 1463; and three individuals. Your Committees received testimony in opposition to this measure from the Employees' Retirement System and Department of Human Resources of the City and County of Honolulu. Your Committees received comments on this measure from the Department of Labor and Industrial Relations, Department of the Attorney General, Employer-Union Health Benefits Trust Fund, and Hawaii Medical Association.

Your Committees find that H.C.R. No. 32, H.D. 1, S.D. 1, Regular Session of 2016, requested the convening of a task force to examine cancer in the firefighting profession. Among other things, the task force found that states nationwide are beginning to provide medical coverage for occupational diseases. For example, Arizona, California, Nevada, North Dakota, and Virginia have legislation that specifically mentions coverage of occupational diseases for firefighters due to the higher risks of contaminant exposure. Your Committees find that providing sufficient medical coverage for firefighters not only ensures that firefighters receive proper medical treatment in a timely manner, but also lessens the impact of emotional toil, financial burdens, and decreased quality of life on the families of firefighters diagnosed with cancer.

Your Committees further find that fire departments are expected to use the best equipment and management practices available, and to be vigilant with obtaining regular medical exams, so that diseases such as cancer are caught early. Efforts at prevention and detection must be a collaboration of individual efforts and the State and counties working to protect and care for the people who keep our communities safe.

Your Committees note that the benefits provided to firefighters in this measure are not an enhanced benefit or a new benefit. Rather, this measure intends to provide firefighters who develop cancer with a way to obtain accelerated access to benefits that is more efficient than applying for workers' compensation and allows firefighters to receive timely, appropriate medical care from healthcare providers who specialize in cancer treatment.



Your Committees recognize the complexity of the benefits and coverage addressed in this measure, and appreciate that this measure requires ongoing discussion. However, your Committees highlight the data demonstrating that Hawaii's firefighters are at higher risk of cancer and that Hawaii should follow other states across the country that are taking steps to provide benefits that adequately address the risks that firefighters submit themselves to for the sake of the safety of the community.

Your Committees have amended this measure by:

- (1) Adding language to the purpose section to reference studies that demonstrate firefighters have higher rates of disease than the general population, the responsibility of fire departments and fire fighters to obtain medical screenings and develop best practices to catch cancer and other diseases as early as possible, and clarify the intent of this measure;
- (2) In response to testimony from various state and county agencies, making numerous revisions to clarify the benefits proposed under this measure, the agency required and process used to make determinations regarding the awarding of benefits or administration of benefits pursuant to this measure, terms used, and the relationship between this measure and existing statutes, where necessary;
- (3) Deleting references to federal firefighters; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 383, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 383, S.D. 1, and be referred to your Committees on Judiciary and Labor and Ways and Means.



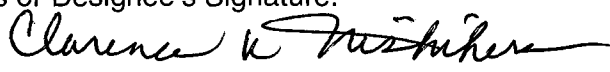
Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and Health
and Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K Nishihara
CLARENCE K. NISHIHARA, Chair

Rosalyn H Baker
ROSALYN H. BAKER, Chair

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* SB 383	Committee Referral: CPH/PSM, JDL/WAM	Date: 2/9/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
NISHIHARA, Clarence K. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les				/
KIDANI, Michelle N.				/
RUDERMAN, Russell E.	/			
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

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The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: _____				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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