

Code of Alabama

Title 36. Public Officers and Employees. (Refs & Annos)

Chapter 30. Compensation for Death or Disability of Peace Officers, Firemen, Etc. (Refs & Annos)

Article 4. Insurance Coverage for Firefighters with Cancer. (Refs & Annos)

Ala.Code 1975 § 36-30-50

§ 36-30-50. Supplemental insurance coverage for firefighters with cancer.

Effective: January 1, 2020

[Currentness](#)

(a) For the purposes of this section, the following terms shall have the following meanings:

(1) **CANCER.** Includes bladder, blood, brain, breast, cervical, esophageal, intestinal, kidney, lymphatic, lung, prostate, rectum, respiratory tract, skin, testicular, and thyroid cancer, leukemia, multiple myeloma, Hodgkin's lymphoma, and non-Hodgkin's lymphoma.

(2) **CAREER FIREFIGHTER.** Any person employed with the state, a county or municipal government, an airport authority, or a fire district who has obtained certification as a firefighter through and as defined by the Alabama Firefighters' Personnel Standards and Education Commission, or a firefighter employed by the Alabama Forestry Commission who has been certified by the State Forester as having met the wild land firefighter training standard of the National Wildfire Coordinating Group, and is offered typical employment benefits, including health insurance coverage.

(3) **CERTIFIED VOLUNTEER FIREFIGHTER.** Any person who is an active member of a volunteer or combination career and volunteer fire department, as recognized by the Alabama Forestry Commission, and who has obtained certification as a volunteer firefighter through and as defined by the Alabama Firefighters' Personnel Standards and Education Commission, who may or may not receive remuneration for firefighting activities, but is not offered typical employment benefits, including health insurance coverage.

(4) **NON-CERTIFIED VOLUNTEER FIREFIGHTER.** Any person who is an active member of a volunteer or combination career and volunteer fire department, as recognized by the Alabama Forestry Commission, and who has not obtained certification as a volunteer firefighter through and as defined by the Alabama Firefighters' Personnel Standards and Education Commission, who may or may not receive remuneration for firefighting activities, but is not eligible for typical employment benefits, including health insurance coverage.

(5) **PAID FIRE DEPARTMENT.** Any department or division of the state, a county or municipal government, an airport authority, or a fire district with paid employees assigned firefighting duties.

(6) **VOLUNTEER FIRE DEPARTMENT.** A group of area residents organized to provide fire protection and recognized by the Alabama Forestry Commission as a volunteer fire department.

(b) A paid fire department shall provide and maintain sufficient insurance coverage on each career firefighter to pay claims for cancer diagnosed after the career firefighter has served 12 consecutive months. The insurance benefits required by this section shall include, but not be limited to, both of the following:

(1) One of the following lump sum benefits:

a. A lump sum benefit of twenty-five thousand dollars (\$25,000), subject to limitations specified in the insurance contract and payable to the firefighter upon submission to the insurance carrier or other payor of acceptable proof of diagnosis by a physician board-certified in the medical specialty appropriate for the type of cancer involved that there are one or more malignant tumors characterized by the uncontrollable and abnormal growth and spread of malignant cells with invasion of normal tissue and that any of the following apply:

1. Surgery, radiotherapy, or chemotherapy is medically necessary.
2. There is metastasis.
3. The firefighter has terminal cancer, is expected to die within 24 months or less from the date of diagnosis, and will not benefit from, or has exhausted, curative therapy.

b. A lump sum benefit of six thousand two hundred fifty dollars (\$6,250), subject to limitations specified in the insurance contract and payable to the firefighter upon submission to the insurance carrier or other payor of acceptable proof of diagnosis by a physician board certified in the medical specialty appropriate for the type of cancer involved that any of the following apply:

1. There is carcinoma in situ such that surgery, radiotherapy, or chemotherapy has been determined to be medically necessary.
2. There are malignant tumors which are treated by endoscopic procedures alone.
3. There are malignant melanomas.
4. There is a tumor of the prostate, provided that it is treated with radical prostatectomy or external beam therapy.

c. The combined total of all benefits received under this subdivision by a firefighter during his or her lifetime may not exceed fifty thousand dollars (\$50,000).

(2) Payable as a result of a specific injury or illness, to begin six months after the disability and submission to the insurance carrier or other payor of acceptable proof of disability precluding service as a firefighter, and continuing for up to 36 consecutive monthly payments, one of the following:

- a. For a career firefighter, a monthly benefit of three thousand dollars (\$3,000).
- b. For a certified volunteer firefighter, a monthly benefit of three thousand dollars (\$3,000).
- c. For a non-certified volunteer firefighter, a monthly benefit of one thousand five hundred dollars (\$1,500).

(3) The benefit provided by subdivision (2), as applicable, shall be subordinate to any other benefit actually paid to the firefighter for the disability from any other source, not including insurance purchased solely by the firefighter, and shall be limited to the difference between the amount of the other paid benefit and the amount specified under subdivision (2), as applicable.

(4) A career firefighter may elect to be voluntarily excluded from the insurance coverage provided by this section. A voluntary exclusion may not be coerced by the employer and shall be presented to the employer in writing. A voluntary exclusion may be revoked at any time. If a voluntary exclusion is revoked by a career firefighter, a consecutive 12-month eligibility period shall be completed.

(c)(1) Any insurer who provides coverage under this section shall make all coverage in subsection (b) available to any volunteer firefighter who has served 12 consecutive months.

(2) Coverage premiums extended to a certified volunteer firefighter shall be consistent with premiums extended to a career firefighter. Coverage premiums extended to a non-certified volunteer firefighter shall appropriately reflect the reduced coverage in paragraph c. of subdivision (2) of subsection (b).

(3) A certified volunteer firefighter or a non-certified volunteer firefighter shall have completed a medical physical and physical statement as required for certification by the Alabama Firefighters' Personnel Standards and Education Commission prior to coverage issuance.

(4) A volunteer fire department is not required to provide or maintain sufficient insurance coverage for either a certified volunteer firefighter or a non-certified volunteer firefighter. An individual certified volunteer firefighter or non-certified volunteer firefighter may elect to purchase the appropriate supplemental benefits coverage at his or her own expense. Notwithstanding any law to the contrary, nothing in this subsection prevents a volunteer fire department, a county or regional association of volunteer fire departments, a municipality, or any combination of these, from optionally contributing in part or in whole to the premiums of an individual certified volunteer firefighter or non-certified volunteer firefighter.

(d)(1) In the event a career firefighter is employed for firefighting activities by multiple fire departments simultaneously, the primary employer shall be responsible for the requirements of subsection (b). The primary employer shall be identified as the employer who provides primary health insurance benefits to the career firefighter.

(2) With the exception of the benefit provided by paragraph (b)(2)a., any person who was simultaneously a member of more than one fire department at the time of diagnosis may not be entitled to participate in multiple coverages or to receive benefits under this section from or on behalf of more than one of the fire departments.

- (3) Any member who received benefits under subdivision (2) of subsection (b) may be required to have his or her condition reevaluated, and in the event a reevaluation reveals that the person has regained the ability to perform duties as a firefighter, then his or her benefits under subdivision (2) of subsection (b) shall cease.
- (4) Benefits under subdivision (2) of subsection (b) shall also cease upon the death of the person.
- (5) Any firefighter, after at least one year of coverage under this section, who departs from employment, ceases to be an active volunteer, or retires, shall be entitled to continue his or her coverages under this section through a continuation of or conversion to individual coverage. The premium cost for individual coverage shall be equivalent to the current cost of active firefighters.
- (e) In addition to any other purpose authorized by law, a county governing body or a municipal governing body may use proceeds from county and municipal taxes not earmarked for other purposes for the purposes of providing insurance to a career firefighter at a paid fire department pursuant to this section.
- (f) Any funds received as premiums for the coverages provided by this section may not be subject to any premium taxes otherwise required by law.
- (g) The computation of premium amounts by an insurer for the coverages under this section shall be subject to generally accepted adjustments from insurance underwriting.
- (h) The Alabama Firefighters' Personnel Standards and Education Commission may adopt rules as are reasonable and necessary to implement this section.
- (i) Both of the following are exempt from state income tax:
- (1) The payments received by a firefighter pursuant to this section, to any extent the amounts are included in the federal adjusted gross income of the taxpayer and are not otherwise exempt under any other law.
 - (2) An amount equal to 100 percent of any premium paid by the individual taxpayer during the taxable year for coverage pursuant to this section, to any extent any deduction has not been included in the federal adjusted gross income of the taxpayer and the amount is not otherwise deductible under any other law.
- (j)(1) A paid fire department is not liable under Chapter 5 of Title 25 to a firefighter who elects to receive benefits under this section.
- (2) The exemption from liability provided by this section is based on the specific diagnosis for which the firefighter elects to receive benefits.

Credits

(Act 2019-361, §§ 1, 2.)

Ala. Code 1975 § 36-30-50, AL ST § 36-30-50

Current through the end of the 2023 First Special, Regular, and Second Special Sessions. Some provisions may be more current; see credits for details.

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