

BILL ANALYSIS

C.S.H.B. 4144

By: Turner

Trade, Workforce & Economic Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Firefighters dedicate their careers to serving and protecting the public, and they often face hazardous conditions that put their long-term health at risk. A working group convened by the International Agency for Research on Cancer classified the occupational exposure as a firefighter as carcinogenic to humans on the basis of sufficient evidence of cancer in humans. The bill author has informed the committee that while state law provides certain protections and benefits for active-duty firefighters, many retirees who develop cancer shortly after leaving service face significant financial and health care burdens. For example, a firefighter who suffers from cancer is presumed to have developed the cancer during the course and scope of employment for purposes of certain benefits or compensation if the firefighter is employed for five or more years and the cancer was discovered during the course of employment, but a firefighter with cancer whose employment has ended is not entitled to this presumption.

C.S.H.B. 4144 seeks to provide much-needed financial security to first responders coping with life-threatening conditions linked to their service, acknowledge the sacrifices made by these first responders, and reinforce the state's commitment to first responders' well-being beyond active duty by ensuring that retired firefighters receive critical-illness supplemental income benefits or comparable health benefit plan coverage if they are diagnosed with an applicable disease within three years of retirement.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 4144 amends the Government Code to require a governmental entity to provide to a firefighter or peace officer who retires from the entity a critical-illness supplemental income benefit or comparable health benefit plan coverage in accordance with the bill's provisions if the firefighter or peace officer is diagnosed with one of the following diseases or illnesses not later than the third anniversary of the date the firefighter or peace officer retires:

- cancer that originates at the stomach, colon, rectum, skin, prostate, testis, or brain;
- non-Hodgkin's lymphoma;
- multiple myeloma;
- malignant melanoma;
- renal cell carcinoma;
- acute myocardial infarction; or

- stroke.

The bill establishes the value of the supplemental income benefit as the lesser of the firefighter's or peace officer's final yearly salary or \$100,000. The bill authorizes a governmental entity providing such a benefit to provide the benefit in a lump sum payment or equal payments over three consecutive months. The bill requires the commissioner of workers' compensation by rule, not later than September 1 of each year ending in a five, to adjust the prescribed maximum dollar amount of the benefit that the bill sets at \$100,000 by an amount equal to the percentage increase, if any, in the consumer price index for the preceding 10 years. These provisions do not apply to a governmental entity that provides to a firefighter or peace officer who retires from the entity a health benefit plan that is comparable in coverage and cost to the retiree as the health benefit plan the entity provided to the retiree on the day before the date the retiree retired.

C.S.H.B. 4144 defines the following terms:

- "consumer price index" as the average over a calendar year of the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the U.S. Bureau of Labor Statistics, or its successor in function;
- "firefighter" and "peace officer" by reference to statutory provisions governing benefits relating to certain diseases or illnesses suffered by firefighters, peace officers, and certain other officers and employees; and
- "governmental entity" as a state agency or political subdivision.

C.S.H.B. 4144 applies only to a firefighter or peace officer who retires on or after January 1, 2026.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4144 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the entity responsible for adjusting the prescribed maximum dollar amount of the supplemental income benefit every 10 years from the commissioner of insurance, as in the introduced, to commissioner of workers' compensation.

The substitute includes a provision absent from the introduced establishing that the bill's provisions do not apply to a governmental entity that provides to a firefighter or peace officer who retires from the entity a health benefit plan that is comparable in coverage and cost to the retiree as the health benefit plan the entity provided to the retiree on the day before the date the retiree retired.