



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3392

Introduced 2/17/2023, by Rep. Joe C. Sosnowski

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-110.1	from Ch. 108 1/2, par. 4-110.1
40 ILCS 5/6-151.1	from Ch. 108 1/2, par. 6-151.1
30 ILCS 805/8.47 new	

Amends the Downstate Firefighter and Chicago Firefighter Articles of the Illinois Pension Code. Adds an impairment or condition resulting from a bloodborne pathogen, contagious staph infection, including Methicillin-resistant Staphylococcus aureus (MRSA), lung or respiratory disease or condition, vascular disease or condition, hypertension, cancer resulting in any disability (temporary, permanent, total, or partial), or hearing loss to the list of diseases for which certain firefighters may be eligible for an occupational disease disability pension. Provides that any condition or impairment of health of a firefighter that results directly or indirectly from any bloodborne pathogen, contagious staph infection, including Methicillin-resistant Staphylococcus aureus (MRSA), lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, cancer resulting in any disability (temporary, permanent, total, or partial), or hearing loss is rebuttably presumed to have resulted from service as a firefighter. Makes a conforming change. Amends the State Mandates Act to require implementation without reimbursement.

LRB103 30124 RPS 56548 b

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by
5 changing Sections 4-110.1 and 6-151.1 as follows:

6 (40 ILCS 5/4-110.1) (from Ch. 108 1/2, par. 4-110.1)

7 Sec. 4-110.1. Occupational disease disability pension.

8 The General Assembly finds that service in the fire department
9 requires firefighters in times of stress and danger to perform
10 unusual tasks; that firefighters are subject to exposure to
11 extreme heat or extreme cold in certain seasons while
12 performing their duties; that they are required to work in the
13 midst of and are subject to heavy smoke fumes, and
14 carcinogenic, poisonous, toxic or chemical gases from fires;
15 and that these conditions exist and arise out of or in the
16 course of employment.

17 An active firefighter with 5 or more years of creditable
18 service who is found, pursuant to Section 4-112, unable to
19 perform his or her duties in the fire department by reason of
20 heart disease, stroke, tuberculosis, ~~or~~ any disease of the
21 lungs or respiratory tract, any impairment or condition
22 resulting from a bloodborne pathogen, contagious staph
23 infection, including Methicillin-resistant Staphylococcus

1 aureus (MRSA), lung or respiratory disease or condition,
2 vascular disease or condition, hypertension, cancer resulting
3 in any disability (temporary, permanent, total, or partial),
4 or hearing loss resulting from service as a firefighter, is
5 entitled to an occupational disease disability pension during
6 any period of such disability for which he or she has no right
7 to receive salary.

8 Any active firefighter who has completed 5 or more years
9 of service and is unable to perform his or her duties in the
10 fire department by reason of a disabling cancer, which
11 develops or manifests itself during a period while the
12 firefighter is in the service of the fire department, shall be
13 entitled to receive an occupational disease disability benefit
14 during any period of such disability for which he or she does
15 not have a right to receive salary. ~~In order to receive this~~
16 ~~occupational disease disability benefit, (i) the type of~~
17 ~~cancer involved must be a type which may be caused by exposure~~
18 ~~to heat, radiation or a known carcinogen as defined by the~~
19 ~~International Agency for Research on Cancer and (ii) the~~
20 ~~cancer must (and is rebuttably presumed to) arise as a result~~
21 ~~of service as a firefighter.~~

22 Any condition or impairment of health of a firefighter
23 that results directly or indirectly from any bloodborne
24 pathogen, contagious staph infection, including
25 Methicillin-resistant Staphylococcus aureus (MRSA), lung or
26 respiratory disease or condition, heart or vascular disease or

1 condition, hypertension, tuberculosis, cancer resulting in any
2 disability (temporary, permanent, total, or partial), or
3 hearing loss is rebuttably presumed to have resulted from
4 service as a firefighter.

5 A firefighter who enters the service after August 27, 1971
6 shall be examined by one or more practicing physicians
7 appointed by the board. If the examination discloses
8 impairment of the heart, lungs or respiratory tract, or the
9 existence of any cancer, the firefighter shall not be entitled
10 to the occupational disease disability pension unless and
11 until a subsequent examination reveals no such impairment or
12 cancer.

13 The occupational disease disability pension shall be equal
14 to the greater of (1) 65% of the salary attached to the rank
15 held by the firefighter in the fire service at the time of his
16 or her removal from the municipality's fire department payroll
17 or (2) the retirement pension that the firefighter would be
18 eligible to receive if he or she retired (but not including any
19 automatic annual increase in that retirement pension).

20 The firefighter is also entitled to a child's disability
21 benefit of \$20 a month for each natural or legally adopted
22 unmarried child less than age 18 dependent upon the
23 firefighter for support. The total child's disability benefit
24 when added to the occupational disease disability pension
25 shall not exceed 75% of the firefighter's salary at the time of
26 the grant of occupational disease disability pension.

1 The occupational disease disability pension is payable to
2 the firefighter during the period of the disability. If the
3 disability ceases before the death of the firefighter, the
4 disability pension payable under this Section shall also cease
5 and the firefighter thereafter shall receive such pension
6 benefits as are provided in accordance with other provisions
7 of this Article.

8 If a firefighter dies while still disabled and receiving a
9 disability pension under this Section, the disability pension
10 shall continue to be paid to the firefighter's survivors in
11 the sequence provided in Section 4-114. A pension previously
12 granted under Section 4-114 to a survivor of a firefighter who
13 died while receiving a disability pension under this Section
14 shall be deemed to be a continuation of the pension provided
15 under this Section and shall be deemed to be in the nature of
16 worker's occupational disease compensation payments. The
17 changes to this Section made by this amendatory Act of 1995 are
18 intended to be retroactive and are not limited to persons in
19 service on or after its effective date.

20 The child's disability benefit shall terminate if the
21 disability ceases while the firefighter is alive or when the
22 child or children attain age 18 or marry, whichever event
23 occurs first, except that benefits payable on account of a
24 child under this Section shall not be reduced or terminated by
25 reason of the child's attainment of age 18 if he or she is then
26 dependent by reason of a physical or mental disability but

1 shall continue to be paid as long as such dependency
2 continues. Individuals over the age of 18 and adjudged as a
3 disabled person pursuant to Article XIa of the Probate Act of
4 1975, except for persons receiving benefits under Article III
5 of the Illinois Public Aid Code, shall be eligible to receive
6 benefits under this Act.

7 (Source: P.A. 93-1090, eff. 3-11-05.)

8 (40 ILCS 5/6-151.1) (from Ch. 108 1/2, par. 6-151.1)

9 Sec. 6-151.1. The General Assembly finds and declares that
10 service in the Fire Department requires that firemen, in times
11 of stress and danger, must perform unusual tasks; that by
12 reason of their occupation, firemen are subject to exposure to
13 great heat and to extreme cold in certain seasons while in
14 performance of their duties; that by reason of their
15 employment firemen are required to work in the midst of and are
16 subject to heavy smoke fumes and carcinogenic, poisonous,
17 toxic or chemical gases from fires; and that in the course of
18 their rescue and paramedic duties firemen are exposed to
19 disabling infectious diseases, including AIDS, hepatitis C,
20 and stroke. The General Assembly further finds and declares
21 that all the aforementioned conditions exist and arise out of
22 or in the course of such employment.

23 Any active fireman who has completed 7 or more years of
24 service and is unable to perform his duties in the Fire
25 Department by reason of heart disease, tuberculosis, any

1 disease of the lungs or respiratory tract, AIDS, hepatitis C,
2 stroke, ~~or~~ a contagious staph infection, including
3 methicillin-resistant Staphylococcus aureus (MRSA), disease or
4 condition resulting from any bloodborne pathogen, vascular
5 disease or condition, hypertension, cancer resulting in any
6 disability (temporary, permanent, total, or partial), or
7 hearing loss resulting from his service as a fireman, shall be
8 entitled to receive an occupational disease disability benefit
9 during any period of such disability for which he does not have
10 a right to receive salary.

11 Any active fireman who has completed 7 or more years of
12 service and is unable to perform his duties in the fire
13 department by reason of a disabling cancer, which develops or
14 manifests itself during a period while the fireman is in the
15 service of the department, shall be entitled to receive an
16 occupational disease disability benefit during any period of
17 such disability for which he does not have a right to receive
18 salary. ~~In order to receive this occupational disease~~
19 ~~disability benefit, the type of cancer involved must be a type~~
20 ~~which may be caused by exposure to heat, radiation or a known~~
21 ~~carcinogen as defined by the International Agency for Research~~
22 ~~on Cancer.~~

23 Any condition or impairment of health of a firefighter
24 that results directly or indirectly from any bloodborne
25 pathogen, contagious staph infection, including
26 Methicillin-resistant Staphylococcus aureus (MRSA), lung or

1 respiratory disease or condition, heart or vascular disease or
2 condition, hypertension, tuberculosis, cancer resulting in any
3 disability (temporary, permanent, total, or partial), or
4 hearing loss is rebuttably presumed to have resulted from
5 service as a fireman.

6 Any fireman receiving a retirement annuity shall be
7 entitled to an occupational disease disability benefit under
8 this Section if the fireman (1) has not reached the age of
9 compulsory retirement, (2) has not been receiving a retirement
10 annuity for more than 5 years, and (3) has a condition that
11 would have qualified the fireman for an occupational disease
12 disability benefit under this Section if he or she was an
13 active fireman. A fireman who receives an occupational disease
14 disability benefit in accordance with this paragraph may not
15 receive a retirement annuity during the period in which he or
16 she receives an occupational disease disability benefit. The
17 occupational disease disability benefit shall terminate upon
18 the fireman reaching the age of compulsory retirement.

19 Any fireman who shall enter the service after the
20 effective date of this amendatory Act shall be examined by one
21 or more practicing physicians appointed by the Board, and if
22 that examination discloses impairment of the heart, lungs, or
23 respiratory tract, or the existence of AIDS, hepatitis C,
24 stroke, cancer, or a contagious staph infection, including
25 methicillin-resistant *Staphylococcus aureus* (MRSA), then the
26 fireman shall not be entitled to receive an occupational

1 disease disability benefit unless and until a subsequent
2 examination reveals no such impairment, AIDS, hepatitis C,
3 stroke, cancer, or contagious staph infection, including
4 methicillin-resistant Staphylococcus aureus (MRSA).

5 The occupational disease disability benefit shall be 65%
6 of the fireman's salary at the time of his removal from the
7 Department payroll. However, beginning January 1, 1994, no
8 occupational disease disability benefit that has been payable
9 under this Section for at least 10 years shall be less than 50%
10 of the current salary attached from time to time to the rank
11 and grade held by the fireman at the time of his removal from
12 the Department payroll, regardless of whether that removal
13 occurred before the effective date of this amendatory Act of
14 1993.

15 Such fireman also shall have a right to receive child's
16 disability benefit of \$30 per month on account of each
17 unmarried child who is less than 18 years of age or
18 handicapped, dependent upon the fireman for support, and
19 either the issue of the fireman or legally adopted by him. The
20 total amount of child's disability benefit payable to the
21 fireman, when added to his occupational disease disability
22 benefit, shall not exceed 75% of the amount of salary which he
23 was receiving at the time of the grant of occupational disease
24 disability benefit.

25 The first payment of occupational disease disability
26 benefit or child's disability benefit shall be made not later

1 than one month after the benefit is granted. Each subsequent
2 payment shall be made not later than one month after the date
3 of the latest payment.

4 Occupational disease disability benefit shall be payable
5 during the period of the disability until the fireman reaches
6 the age of compulsory retirement. Child's disability benefit
7 shall be paid to such a fireman during the period of disability
8 until such child or children attain age 18 or marry, whichever
9 event occurs first; except that attainment of age 18 by a child
10 who is so physically or mentally handicapped as to be
11 dependent upon the fireman for support, shall not render the
12 child ineligible for child's disability benefit. The fireman
13 thereafter shall receive such annuity or annuities as are
14 provided for him in accordance with other provisions of this
15 Article.

16 (Source: P.A. 102-91, eff. 7-9-21; 102-1064, eff. 6-10-22.)

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.47 as follows:

19 (30 ILCS 805/8.47 new)

20 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
21 8 of this Act, no reimbursement by the State is required for
22 the implementation of any mandate created by this amendatory
23 Act of the 103rd General Assembly.