

Article 86A.

(Effective July 1, 2025) Firefighters' Cancer Insurance Program.

§ 58-86A-1. (Effective July 1, 2025) Firefighters' Cancer Insurance Program established; purpose.

There is hereby established the Firefighters' Cancer Insurance Program in the Office of the State Fire Marshal. The purpose of the Program is to provide health benefits as authorized by this Article to eligible firefighters with a new diagnosis of cancer on or after January 1, 2022. The health benefits provided under this Program shall be supplemental to any other health benefits authorized by law for firefighters. The Office of the State Fire Marshal shall administer the Program instead of purchasing private insurance for that purpose, and the Office shall perform this duty by contracting with a third-party administrator. The contracting procedure for the third-party administrator is not subject to Article 3C of Chapter 143 of the General Statutes. The Office of the State Fire Marshal may use up to ten percent (10%) of the funds appropriated in each fiscal biennium for the Program for the reasonable and necessary expenses incurred by the Office in administering the Program. (2024-29, s. 10.1.)

§ 58-86A-2. (Effective July 1, 2025) Definitions.

The following definitions apply in this Article:

- (1) Cancer. – Malignant neoplasms of the body that may be caused by exposure to heat, radiation, or a known carcinogen, as defined by the World Health Organization's International Agency for Research on Cancer.
- (2) Eligible firefighter. – A firefighter who meets the requirements of G.S. 58-86A-3.
- (3) Fire department. – Any organization that is not a federal agency, including any public or government-sponsored organization, that is located and based in this State and provides rescue, fire suppression, and related activities.
- (4) Firefighter. – As defined in G.S. 58-84-5(3a). (2024-29, s. 10.1.)

§ 58-86A-3. (Effective July 1, 2025) Eligibility.

To be eligible to receive benefits under the Program, a firefighter:

- (1) Must meet either of the following criteria:
 - a. Have served in a North Carolina fire department or in a fire department on a military base in North Carolina for a minimum of five continuous years; provided, however, if a firefighter, during those five years, experiences a lapse in service of no more than six months, the firefighter shall not be ineligible to receive benefits under the Program.
 - b. Have been included on the certified roster submitted to the North Carolina State Firefighters' Association pursuant to G.S. 58-86-25 for a period of no more than 10 years as "retired/nonactive" after the firefighter no longer meets the definition of the term "firefighter" under G.S. 58-84-5(3a).
- (2) Must have received a new diagnosis of cancer on or after January 1, 2022. A firefighter with a diagnosis of cancer prior to January 1, 2022, is not eligible for benefits in the Program for that previously diagnosed cancer type but remains eligible for benefits in the Program upon diagnosis of any other cancer type, even if the other cancer type diagnosed on or after January 1, 2022,

metastasized from a cancer diagnosed before January 1, 2022. A firefighter is not eligible to receive benefits under the Program if the firefighter is receiving benefits related to cancer under the North Carolina Workers' Compensation Act established in Article 1 of Chapter 97 of the General Statutes. (2024-29, s. 10.1.)

§ 58-86A-4. (Effective July 1, 2025) Benefits.

The following benefits shall be provided under the Program:

- (1) Lump sum benefit. – Not to exceed a total of seventy-four thousand dollars (\$74,000), a lump sum benefit of thirty-seven thousand dollars (\$37,000) for each diagnosis of cancer shall be payable to an eligible firefighter upon sufficient proof to the insurance carrier, the Department, the Office of the State Fire Marshal, or other applicable payor of a diagnosis of cancer by a board-certified, licensed physician in the medical specialty appropriate for the type of cancer diagnosed.
- (2) Disability benefit. – Upon sufficient proof to the insurance carrier, the Department, the Office of the State Fire Marshal, or other applicable payor of total disability resulting from the diagnosis of cancer or that the cancer precludes the firefighter from serving as a firefighter, the following disability benefits shall be paid to an eligible firefighter beginning six months after the total disability or inability to perform the duties of a firefighter, whichever applies:
 - a. For a nonvolunteer firefighter. – A monthly benefit that is either (i) equal to seventy-five percent (75%) of the firefighter's monthly salary or (ii) five thousand dollars (\$5,000), whichever is less.
 - b. For a volunteer firefighter. – A monthly benefit of one thousand five hundred dollars (\$1,500). (2024-29, s. 10.1.)

§ 58-86A-5. (Effective July 1, 2025) Limitations on disability benefit.

The following limitations apply to disability benefits under this section:

- (1) Disability benefits shall continue for no more than 36 consecutive months.
- (2) Any firefighter receiving disability benefits may be required to have his or her condition reevaluated to determine if that firefighter has regained the ability to perform the duties of a firefighter. If that reevaluation indicates that the firefighter has regained the ability to perform the duties of a firefighter, then the monthly disability benefits shall cease on the last day of the month the reevaluation was conducted.
- (3) If there is no reevaluation performed under subdivision (2) of this section, but the firefighter's treating physician determines that the firefighter is again able to perform the duties of a firefighter, then the disability benefits shall cease on the last day of the month that the physician made the determination.
- (4) If a firefighter returns to work as a firefighter before exhaustion of the 36 months of disability benefit an eligible firefighter may receive under this section, and if there is a subsequent recurrence of disability caused by cancer that again precludes the firefighter from performing the duties of a firefighter,

then the firefighter shall be entitled to any remaining monthly disability benefits, not to exceed 36 months in total.

- (5) The monthly disability benefit shall be subordinate to any other benefit paid from any source to the firefighter solely for a disability related to the cancer diagnosis, so long as that source is not private insurance purchased solely by the firefighter. Disability benefits under this section shall be limited to the difference between the benefit amount paid by the other source and the amounts specified under G.S. 58-86A-4(3). (2024-29, s. 10.1.)

§ 58-86A-6. (Effective July 1, 2025) Reporting requirements.

On January 1 of each year, the Office of the State Fire Marshal shall submit a report to the Joint Oversight Committee on General Government, the Governor, and the Fiscal Research Division that includes all of the following information:

- (1) The number, type, and primary work location of all firefighters participating in the program. For purposes of this section, the term "type" means a volunteer, employee, contractor, or member of a rated and certified fire department or employee of a county fire marshal's office whose sole duty is to act as fire marshal, deputy fire marshal, assistant fire marshal, or firefighter of the county.
- (2) The number of benefit claims filed, by type.
- (3) The types of cancer for which benefit claims were filed, by type.
- (4) All benefits paid out under this section, by type. (2024-29, s. 10.1.)