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COMMITTEE REPORT

September 15, 2020

**S. 1071**

Introduced by Senators Alexander, Talley, Grooms, Martin, Young, Peeler, Senn, Cash, Gambrell, Reese, Goldfinch, Fanning and Johnson

S. Printed 9/15/20--H.

Read the first time June 24, 2020.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 1071) to amend the Code of Laws of South Carolina, 1976, by adding Section 23‑9‑197 so as to establish the “Firefighter Cancer Health Care Benefit Plan”, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/  SECTION 1. Article 1, Chapter 9, Title 23 of the 1976 Code is amended by adding:

“Section 23‑9‑197. (A) As used in this section:

(1) ‘Cancer’ includes malignant neoplasms of the following body areas and organ systems:

(a) central and peripheral nervous system;

(b) oropharyngeal;

(c) respiratory tract;

(d) gastrointestinal tract;

(e) hepatobiliary;

(f) solid organ and endocrine;

(g) genitourinary and male reproductive;

(h) GYN;

(i) skin, soft tissue, and breast;

(j) bone and blood.

(2) ‘Fire department’ means any organization located and based in this State that provides rescue, fire suppression, and related activities including any public or government‑sponsored organizations, excluding federal agencies, engaged in rescue, fire suppression, and related activities.

(3) ‘Firefighter’ means any person, paid or unpaid, who is a resident of this state and engages in rescue, fire suppression, or related activities, under the supervision of a fire chief or fire department in this State or who is employed by the State Commission of Forestry or a forestry district for the purpose of fire protection.

(B) There is established the ‘Firefighter Cancer Health Care Benefit Plan’ to provide a supplemental insurance policy upon a firefighter being diagnosed with cancer. The plan shall provide benefits to a firefighter only if the firefighter has served in a South Carolina fire department for at least five continuous years and been in active service within ten years of the diagnosis.

(C) the plan, upon diagnosis, must entitle an eligible firefighter to:

(1) a reimbursement of up to twelve thousand dollars annually to the firefighter for any out of pocket medical expenses including deductibles, copayments, or coinsurance costs incurred;

(2) a one‑time benefit of twenty thousand dollars upon the firefighter’s initial diagnosis; and

(3) a seventy‑five thousand dollar death benefit for a firefighter who dies as a result of cancer or circumstances that arise out of the treatment of cancer. All of the benefits arising out of such death are available to the deceased firefighter’s beneficiary.

(D)(1) The program must be established by and administered through the Office of the State Fire Marshal within the Department of Labor, Licensing and Regulation. In selecting the covering insurance policy, the State Fire Marshal must utilize a competitive bidding process amongst private insurers that have such policies available.

(2) Additionally, the State Fire Marshal shall identify best practices to establish employer cancer prevention as it relates to personal protective equipment, decontamination, fire suppression apparatus, and fire stations.

(3) By January first of each year, the State Fire Marshall shall prepare a report detailing the activity of the program in the previous fiscal year. The report shall include, but not be limited to: all expenses and costs associated with administration of the program, all inquiries and quotes received from prospective insurers, the number of eligible firefighters who qualify for coverage, the number of claims, and the amount and type of benefits paid. The report must be delivered to the Department of Insurance, the Senate Finance Committee, and the House Ways and Means Committee.

(E) Notwithstanding any other provision of this section, the implementation and operation of the Firefighter Cancer Health Care Benefit Plan and the benefits contained herein are contingent upon appropriate funding.”

SECTION 2. This act takes effect July 1, 2021. /

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑9‑197 SO AS TO ESTABLISH THE “FIREFIGHTER CANCER HEALTH CARE BENEFIT PLAN” TO PROVIDE A SUPPLEMENTAL INSURANCE POLICY UPON A FIREFIGHTER BEING DIAGNOSED WITH CANCER AND TO SET FORTH THE BENEFITS CONTAINED IN THE POLICY; AND TO AMEND SECTIONS 38‑7‑30 AND 38‑7‑35, RELATING TO THE TAX ON FIRE INSURERS AND THE EXPENDITURE OF THE TAX, SO AS TO FUND THE PLAN.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 9, Title 23 of the 1976 Code is amended by adding:

“Section 23‑9‑197. (A) As used in this section:

(1) ‘Cancer’ includes malignant neoplasms of the following body areas and organ systems:

(a) central and peripheral nervous system;

(b) oropharyngeal;

(c) respiratory tract;

(d) gastrointestinal tract;

(e) hepatobiliary;

(f) solid organ and endocrine;

(g) genitourinary and male reproductive;

(h) GYN;

(i) skin, soft tissue, and breast;

(j) bone and blood.

(2) ‘Fire department’ means any organization providing rescue, fire suppression, and related activities including any public or government‑sponsored organizations engaged in rescue, fire suppression, and related activities.

(3) ‘Firefighter’ means any person, male or female, paid or unpaid, who engages in rescue, fire suppression, or related activities under the supervision of a fire chief or fire department or who is employed by the State Commission of Forestry or a forestry district for the purpose of fire protection.

(B) There is established the ‘Firefighter Cancer Health Care Benefit Plan’ to provide a supplemental insurance policy upon a firefighter being diagnosed with cancer. The plan shall provide benefits to a firefighter only if the firefighter has served in a South Carolina fire department for at least five continuous years and been in active service within ten years of the diagnosis.

(C) The plan, upon diagnosis, must entitle an eligible firefighter to:

(1) a reimbursement of up to twelve thousand dollars annually to the firefighter for any out of pocket medical expenses including deductibles, copayments, or coinsurance costs incurred;

(2) a benefit of twenty thousand dollars, upon the firefighter’s diagnosis, not to exceed one benefit payment per calendar year. An additional benefit must be available upon twelve‑month remission and separate diagnosis; and

(3) a seventy‑five thousand dollar death benefit for a firefighter who dies as a result of cancer or circumstances that arise out of the treatment of cancer. All of the benefits arising out of such death are available to the deceased firefighter’s beneficiary.

(D) For purposes of other benefits set forth in law, a firefighter that dies as a result of cancer or circumstances that arise out of treatment are considered to have died in the line of duty.

(E)(1) The program must be established by and administered through the Office of the State Fire Marshal within the Department of Labor, Licensing and Regulation. In selecting the covering insurance policy, the State Fire Marshal must utilize a competitive bidding process amongst private insurers that have such policies available.

(2) Additionally, the State Fire Marshal shall identify best practices to establish employer cancer prevention as it relates to personal protective equipment, decontamination, fire suppression apparatus, and fire stations.”

SECTION 2. Sections 38‑7‑30 and 38‑7‑35 of the 1976 Code are amended to read:

“Section 38‑7‑30. Any expenses, including expenses of counsel, detectives, and officers, incurred by the discrimination in rates, must be defrayed by the fire insurance companies doing business in this State, and a tax of one percent on the gross premium receipts less premiums returned on canceled policy contracts and less dividends and returns of unabsorbed premium deposits of all fire insurance companies is levied for this purpose, to be collected by the director or his designee as other taxes on fire insurance companies are collected. The director or his designee shall keep a separate account of all monies received and disbursed under the provisions of this section and shall include the account in his annual report. ~~Fifty~~ Seventy‑five percent of the one percent tax levied in this section must be directed to the Division of Fire and Life Safety of the Department of Labor, Licensing and Regulation to be used only for expenses of this division. ~~For fiscal year 1997‑98 only, the fifty percent of the tax levied by this section that is directed to the Department of Labor, Licensing and Regulation is capped at $2,567,325.~~ The department shall report annually to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee where any growth above the base authorization for the preceding is expended and for what purposes within the Division of Fire and Life Safety.

Section 38‑7‑35. (A)(1) One hundred seventy‑five thousand dollars of the revenue collected annually pursuant to Section 38‑7‑30 must be transferred to the Department of Labor, Licensing and Regulation for the purpose of implementing the training, certification, and continuing education program for building codes enforcement officers as provided by law.

~~(B)~~(2) The Department of Labor, Licensing and Regulation shall report annually to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee detailing actual program expenditures including, but not limited to, the number of instructors employed, the number of training sessions conducted, and the number of certifications issued. This report must be submitted to the respective chairmen no later than July fifteenth of each year.

(B) Three million five hundred thousand dollars of the revenue collected annually pursuant to Section 38‑7‑30 must be transferred to the Division of Fire and Life Safety of the Department of Labor, Licensing and Regulation for the purpose of implementing the South Carolina Firefighters Cancer Plan pursuant to Section 23‑9‑197.

(C) One hundred thousand dollars of the revenue collected annually pursuant to Section 38‑7‑30 must be transferred to the Department of Insurance for the purpose of implementing the program as provided in Section 38‑75‑480.

(D) Subsection (C) of this section ceases to be of any force or effect after June 30, 2002.”

SECTION 3. This act takes effect July 1, 2020.

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