

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 26-0714.02 Yelana Love x2295

SENATE BILL 26-184

SENATE SPONSORSHIP

Rodriguez and Ball, Benavidez, Coleman, Danielson, Exum, Gonzales J., Kipp, Kolker, Lindstedt, Marchman, Mullica, Sullivan, Wallace, Weissman

HOUSE SPONSORSHIP

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Senate Committees

Business, Labor, & Technology

House Committees

State, Civic, Military, & Veterans Affairs

A BILL FOR AN ACT

101 **CONCERNING BENEFITS FOR FIREFIGHTERS WHO CONTRACT CERTAIN**
102 **CONDITIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law in the "Workers' Compensation Act of Colorado" provides that certain cancers contracted by firefighters are considered occupational diseases presumed to have been a result of the firefighters' employment. A firefighter's employer or an insurer may rebut this presumption by showing by a preponderance of the medical evidence that the cancer did not occur on the job.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
3rd Reading Unamended
May 12, 2026

HOUSE
Amended 2nd Reading
May 11, 2026

SENATE
3rd Reading Unamended
May 7, 2026

SENATE
Amended 2nd Reading
May 6, 2026

Section 2 of the bill updates the law by:

- Expanding the types of cancer that are considered occupational diseases;
- Affording certain neurological conditions the presumption; and
- Strengthening the presumption to require an employer to show clear and convincing evidence that the cancer did not occur on the job.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Firefighters are routinely exposed to carcinogens, heavy
5 metals, [REDACTED] and combustion by-products in the course of their duties,
6 resulting in a significantly elevated risk of cancer;

7 (b) Colorado created a presumption regarding the occupational
8 causation of certain cancers in order to provide greater protections under
9 the "Workers' Compensation Act of Colorado" to recognize the risks
10 firefighters are exposed to;

11 (c) Scientific and occupational health data demonstrate increased
12 incidence of [REDACTED] multiple myeloma, non-Hodgkin lymphoma, and bladder
13 and respiratory cancers among firefighters; and

14 (d) The presumption of occupational causation and protections
15 within the "Workers' Compensation Act of Colorado" must be expanded,
16 strengthened, and made conclusive to ensure fairness, prompt claims
17 processing, and timely payment of benefits to firefighters with these
18 conditions.

19 (2) Accordingly, the general assembly:

20 [REDACTED]

21 (a) Mandates a presumption of occupational causation when

1 benefits are claimed by a firefighter for certain cancers, unless the
2 presumption is rebutted by clear and convincing medical evidence; and

3 (b) Prevents an employer from using the absence of a prior,
4 baseline medical examination as a basis to deny a firefighter's claim for
5 benefits.

6 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
7 **with amendments,** 8-41-209 as follows:

8 **8-41-209. Coverage for occupational diseases contracted by**
9 **firefighters - rebuttable presumption - short title - definitions.**

10 (1) THE SHORT TITLE OF THIS SECTION IS THE "RUBEN LEWIS SIMS
11 JR. ACT"

12 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (a) "CANCER" MEANS:

15 (I) MESOTHELIOMA;

16 (II) BLADDER CANCER;

17 (III) COLON CANCER;

18 (IV) PROSTATE CANCER;

19 (V) TESTICULAR CANCER;

20 (VI) MELANOMA OF THE SKIN;

21 (VII) NON-HODGKIN LYMPHOMA;

22 (VIII) LUNG CANCER;

23 (IX) KIDNEY CANCER;

24 (X) LEUKEMIA;

25 (XI) MULTIPLE MYELOMA;

26 (XII) ESOPHAGEAL CANCER;

27 (XIII) BRAIN CANCER;

- 1 (XIV) DIGESTIVE CANCER;
- 2 (XV) GENITOURINARY CANCER;
- 3 (XVI) SKIN CANCER;
- 4 (XVII) THYROID CANCER;
- 5 (XVIII) BREAST CANCER; AND
- 6 (XIX) REPRODUCTIVE CANCER.

7 [REDACTED]

8 (b) "COVERED INDIVIDUAL" MEANS A FIREFIGHTER WHO, AT THE
9 TIME OF THE DIAGNOSIS OF THE CONDITION FOR WHICH THE FIREFIGHTER
10 IS RECEIVING BENEFITS, HAS AT LEAST FIVE YEARS OF CUMULATIVE FULL-
11 OR PART-TIME EMPLOYMENT, INCLUDING EMPLOYMENT WITH THE STATE,
12 OR VOLUNTEER SERVICE WITH ONE OR MORE EMPLOYERS AND:

- 13 (I) IS CURRENTLY SERVING AS A FIREFIGHTER; OR
- 14 (II) HAS BEEN SEPARATED OR RETIRED FROM SERVICE AS A
15 FIREFIGHTER FOR NO MORE THAN ONE YEAR FOR EACH YEAR OF SERVICE,
16 FOR A PERIOD OF UP TO TEN YEARS.

17 (c) "FIREFIGHTER" MEANS A FULL- OR PART-TIME EMPLOYEE OR
18 VOLUNTEER OF ANY EMPLOYER, OTHER THAN THE STATE, WHOSE DUTIES
19 ARE DIRECTLY INVOLVED WITH THE PROVISION OF FIRE PROTECTION
20 SERVICES. "FIREFIGHTER" INCLUDES:

- 21 (I) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION
22 31-30-1102 (9)(a);
- 23 (II) A SEASONAL WILDLAND FIREFIGHTER, AS DEFINED IN SECTION
24 24-33.5-1202 (12.5);

25 ==

26 (III) AN INDIVIDUAL DESCRIBED IN THIS SUBSECTION (2)(c) WHO
27 PROVIDES VOLUNTEER SERVICES TO A FIRE AUTHORITY CREATED BY AN

1 INTERGOVERNMENTAL AGREEMENT; AND

2 (IV) AN INDIVIDUAL WHO PROVIDES ANY COMBINATION OF THE
3 EMPLOYMENT OR VOLUNTEER FIRE SERVICES OTHERWISE DESCRIBED OR
4 INCLUDED IN THIS SUBSECTION (2)(c).

5 [REDACTED]

6 (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, IF
7 A COVERED INDIVIDUAL IS DIAGNOSED WITH OR DIES FROM CANCER, THE
8 CANCER IS PRESUMED TO BE AN OCCUPATIONAL DISEASE ARISING OUT OF
9 AND CONTRACTED IN THE COURSE OF THEIR EMPLOYMENT OR SERVICE AS
10 A FIREFIGHTER.

11 [REDACTED]

12 (4) (a) AN EMPLOYER MAY REBUT THE PRESUMPTION SET FORTH IN
13 SUBSECTION (3) OF THIS SECTION WITH CLEAR AND CONVINCING MEDICAL
14 EVIDENCE THAT:

15 (I) THE CONDITION IS A PREEXISTING CONDITION ABOUT WHICH
16 THE COVERED INDIVIDUAL KNOWINGLY AND INTENTIONALLY FALSIFIED
17 INFORMATION DURING THE HIRING PROCESS; OR

18 (II) THE CONDITION WAS CAUSED SOLELY BY A NONOCCUPATIONAL
19 CIRCUMSTANCE OR EVENT SUCH THAT THE CONDITION IS ENTIRELY
20 UNRELATED TO THE COVERED INDIVIDUAL'S EMPLOYMENT OR SERVICE AS
21 A FIREFIGHTER.

22 (b) EVIDENCE OF A COVERED INDIVIDUAL'S TOBACCO USE, GENETIC
23 PREDISPOSITION, FAMILY HISTORY, OR FAILURE TO OBTAIN A
24 PREEMPLOYMENT MEDICAL SCREENING OR PHYSICAL EXAMINATION IS NOT
25 ENOUGH EVIDENCE ALONE TO REBUT THE PRESUMPTION DESCRIBED IN
26 SUBSECTION (3) OF THIS SECTION.

27 (5) (a) THIS SECTION DOES NOT AFFECT ANY DETERMINATION AS

1 TO WHETHER THE CANCER IS COVERED UNDER THE VOLUNTARY
2 FIREFIGHTER CANCER BENEFITS PROGRAM CREATED IN PART 4 OF ARTICLE
3 5 OF TITLE 29.

4 (b) IF A FIREFIGHTER IS ELIGIBLE FOR BENEFITS UNDER THIS
5 SECTION AND PART 4 OF ARTICLE 5 OF TITLE 29, THE OFFSET PROVISIONS
6 OF SECTION 8-42-103 (1)(h) AND 29-5-403 (10) APPLY.

7 **SECTION 3. Act subject to petition - effective date -**
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
9 the expiration of the ninety-day period after final adjournment of the
10 general assembly (August 12, 2026, if adjournment sine die is on May 13,
11 2026); except that, if a referendum petition is filed pursuant to section 1
12 (3) of article V of the state constitution against this act or an item, section,
13 or part of this act within such period, then the act, item, section, or part
14 will not take effect unless approved by the people at the general election
15 to be held in November 2026 and, in such case, will take effect on the
16 date of the official declaration of the vote thereon by the governor.

17 (2) This act applies to claims filed on or after the applicable
18 effective date of this act.