

HOUSE BILL NO. 5180

October 30, 2025, Introduced by Reps. Pohutsky, Rheingans, Arbit, Weiss, T. Carter, Brixie, Xiong, Wilson, Conlin, Mentzer, MacDonell, Price, B. Carter, Miller, Dievendorf, Paiz, Morgan, McFall, Longjohn, Hope, Byrnes, Andrews, Young, Tsernoglou, Hoskins, McKinney, Skaggs and Myers-Phillips and referred to Committee on Economic Competitiveness.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
by amending section 405 (MCL 418.405), as amended by 2021 PA 129.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 405. (1) For a member of a fully paid fire department of
2 an airport operated by a county, public airport authority, or state
3 university or college; a member of a fully paid fire or police
4 department of a city, township, or village employed and compensated
5 upon a full-time basis; a member of a fully paid public fire
6 authority employed and compensated upon a full-time basis; a county

1 sheriff and the deputies of the county sheriff; a member of the
 2 state police; a conservation officer; or an officer of the motor
 3 carrier enforcement division of the department of state police,
 4 "personal injury" includes respiratory and heart diseases, or
 5 illnesses resulting ~~therefrom,~~ **from respiratory and heart diseases,**
 6 that develop or manifest themselves during a period while the
 7 member of the department is in the active service of the department
 8 and that result from the performance of duties for the department.

9 (2) A full-time member, and, beginning January 1, 2022 for a
 10 cancer described in this subsection diagnosed on or after January
 11 1, 2022, a part-time, paid on-call, or volunteer member, of a fire
 12 department or public fire authority, and, beginning January 1, 2022
 13 for a cancer described in this subsection diagnosed on or after
 14 January 1, 2022, a former member who was a full-time, part-time,
 15 paid on-call, or volunteer member of a fire department or public
 16 fire authority, who has or had 60 months or more active service in
 17 the department or public fire authority ~~at the time~~ **when** the cancer
 18 manifests itself, and who is or was exposed to the hazards
 19 incidental to fire suppression, rescue, or emergency medical
 20 services in the performance of ~~his or her~~ **the member's** work-related
 21 duties with the department or authority shall suspend a claim ~~he or~~
 22 ~~she~~ **the member** may have against ~~his or her~~ **the member's** employer
 23 under this act and may claim like benefits from the Christopher R.
 24 Slezak first responder presumed coverage fund created under
 25 subsection (6) for any respiratory tract, bladder, skin, brain,
 26 kidney, blood, thyroid, testicular, prostate, lymphatic, ovarian,
 27 breast, or non-HPV cervical cancer. Beginning January 1, 2022 for a
 28 cancer described in this subsection diagnosed on or after January
 29 1, 2022, a full-time, part-time, paid on-call, volunteer, or former

1 forest fire officer or fire/crash rescue officer who has or had 60
2 months or more active service at the time the cancer manifests
3 itself, and who is or was exposed to the hazards incidental to fire
4 suppression, rescue, or emergency medical services in the
5 performance of ~~his or her~~ **the officer's** work-related duties shall
6 suspend a claim ~~he or she~~ **the officer** may have against ~~his or her~~
7 **the officer's** employer under this act and may claim like benefits
8 from the Christopher R. Slezak first responder presumed coverage
9 fund created under subsection (6) for any respiratory tract,
10 bladder, skin, brain, kidney, blood, thyroid, testicular, prostate,
11 or lymphatic, ovarian, breast, or non-HPV cervical cancer. The
12 cancers described in this subsection are presumed to arise out of
13 and in the course of employment only with respect to a claim
14 against the fund and in the absence of non-work-related causation
15 or specific incidents that establish a cause independent of the
16 employment. Neither mere evidence that the condition was
17 preexisting, nor an abstract medical opinion that the employment
18 was not the cause of the disease or condition, is sufficient to
19 overcome the presumption for purposes of a claim against the
20 Christopher R. Slezak first responder presumed coverage fund. The
21 presumption under this subsection may be rebutted by scientific
22 evidence that the member or former member of the fire department or
23 public fire authority was a substantial and consistent user of
24 cigarettes or other tobacco products within the 10 years
25 immediately preceding the date of injury, and that this use was a
26 significant factor in the cause, aggravation, or progression of the
27 cancer. The suspension of the member's or former member's claim
28 against ~~his or her~~ **the member or former member's** employer under
29 this subsection is in effect only during the period the member

1 receives like benefits from the Christopher R. Slezak first
 2 responder presumed coverage fund. If a redemption agreement between
 3 the Christopher R. Slezak first responder presumed coverage fund
 4 and the claimant is approved, the suspension of a claim against an
 5 employer under this subsection continues indefinitely. A claimant
 6 may not receive benefits covering the same time period from both
 7 the Christopher R. Slezak first responder presumed coverage fund
 8 and the employer. The presumption created in this subsection
 9 applies only to a claim for like benefits against the Christopher
 10 R. Slezak first responder presumed coverage fund. For purposes of a
 11 claim against the Christopher R. Slezak first responder presumed
 12 coverage fund created under subsection (6), a fire department or
 13 public fire authority is considered the employer of a volunteer
 14 member.

15 (3) Respiratory and heart diseases or illnesses resulting
 16 ~~therefrom~~ **from respiratory and heart diseases** as described in
 17 subsection (1) **and personal injuries described in subsection (11)**
 18 are presumed to arise out of and in the course of employment in the
 19 absence of evidence to the contrary.

20 (4) As a condition precedent to filing an application for
 21 benefits, a claimant described in subsection (1) **or (11)** or a
 22 claimant under subsection (2) must first apply for and do all
 23 things necessary to qualify for any pension benefits to which ~~he or~~
 24 ~~she, the claimant,~~ or ~~his or her the claimant's~~ decedent, may be
 25 entitled or must demonstrate that ~~he or she, the claimant,~~ or ~~his~~
 26 ~~or her the claimant's~~ decedent, is ineligible for any pension
 27 benefits. If a final determination is made that pension benefits
 28 will not be awarded or that the claimant or ~~his or her the~~
 29 **claimant's** decedent is ineligible for any pension benefits, then

1 the designation of "personal injury" as provided in subsection (1)
2 **or (11)** or the presumption under subsection (2) applies. The
3 employer, employee, or former member described in subsection (2)
4 may request 2 copies of the determination denying pension benefits,
5 1 copy of which must be filed with the workers' compensation agency
6 upon request.

7 (5) If an employee described in subsection (1), ~~or~~ (2), or
8 **(11) or** a former member described in subsection (2) is eligible for
9 any pension benefits, that eligibility does not prohibit the
10 employee or dependents of that employee from receiving benefits
11 under section 315 for the medical expenses or portion of medical
12 expenses that are not provided for by the pension program.

13 (6) The Christopher R. Slezak first responder presumed
14 coverage fund is created as a separate fund in the state treasury.
15 The state treasurer may receive money or other assets from any
16 source for deposit into the fund. The state treasurer shall direct
17 the investment of the fund. The state treasurer shall credit to the
18 fund interest and earnings from fund investments. The director
19 shall be the administrator of the fund for auditing purposes. The
20 director shall expend money from the fund only for the purpose of
21 paying claims authorized under subsection (2) and costs of
22 administration. The department of treasury shall cause to be paid
23 from the Christopher R. Slezak first responder presumed coverage
24 fund those amounts and at those times as are prescribed by the
25 director to pay claims under subsection (2) pursuant to this
26 subsection and subsection (7). Money in the fund at the close of
27 the fiscal year remains in the fund and does not lapse to the
28 general fund. If there is insufficient money in the fund to pay
29 claims authorized under subsection (2), claims that are approved

1 but not paid must be paid if fund revenues become available, and
2 those claims must be paid before subsequently approved claims. The
3 director shall develop and implement a process to notify the
4 legislature that money in the Christopher R. Slezak first responder
5 presumed coverage fund may be insufficient to cover future claims
6 when the director reasonably believes that within 60 days the money
7 in the fund will be insufficient to pay claims. The process must,
8 at a minimum, do all of the following:

9 (a) Identify a specific date by which the money in the fund
10 will become insufficient to pay claims.

11 (b) Outline a clear process indicating the order in which
12 claims pending with the fund will be paid.

13 (c) Outline a clear process indicating the order in which
14 claims that were pending with the fund when money became
15 insufficient will be paid, if money subsequently becomes available.

16 (7) The director shall develop the application, approval, and
17 compliance process necessary to operate and manage the Christopher
18 R. Slezak first responder presumed coverage fund. The director
19 shall develop and implement the use of an application form to be
20 used by a claimant for benefits payable by the fund under
21 subsection (2). When a claim under subsection (2) is received, the
22 director shall notify the employer against whom a claim is
23 suspended or the carrier. The employer or carrier may access all
24 information the agency receives respecting the claim and may
25 request that the agency obtain specific additional information. The
26 fund standards, guidelines, templates, and any other forms used by
27 the director to implement the Christopher R. Slezak first responder
28 presumed coverage fund must be posted and maintained on the
29 department's website. The director shall review and consider claims

1 in the order in which they are received and shall approve or deny a
2 claim within 30 days after receipt of the claim.

3 (8) The director shall submit an annual report to the state
4 budget director and the senate and house of representatives
5 standing committees on appropriations not later than April 1 of
6 each year that includes, but is not limited to, all of the
7 following:

8 (a) The total number of claims received under the Christopher
9 R. Slezak first responder presumed coverage fund in the immediately
10 preceding calendar year.

11 (b) The number of claims approved and the total dollar amount
12 of claims paid by the Christopher R. Slezak first responder
13 presumed coverage fund in the immediately preceding calendar year.

14 (c) The costs of administering the Christopher R. Slezak first
15 responder presumed coverage fund in the immediately preceding
16 calendar year.

17 (9) By March 31 of each year, the worker's compensation agency
18 shall report to the chairs of the appropriations committees of the
19 senate and the house of representatives the estimated amount of
20 both of the following:

21 (a) The anticipated cost of benefits in the next fiscal year
22 for claims authorized under subsection (2) and payable by the
23 Christopher R. Slezak first responder presumed coverage fund.

24 (b) The amount of any anticipated shortfall in the Christopher
25 R. Slezak first responder presumed coverage fund that would prevent
26 payment of claims under subsection (6) for the current fiscal year.

27 (10) The Christopher R. Slezak first responder presumed
28 coverage fund has the same rights under this act as an employer or
29 carrier.

1 (11) For an essential worker, personal injury includes an
2 injury or illness resulting from the essential worker's exposure to
3 an infectious disease during a declared state of emergency issued
4 by the governor, or while an emergency order issued by the director
5 of the department of health and human services under section 2253
6 of the public health code, 1978 PA 368, MCL 333.2253, to control an
7 epidemic is in effect. As used in this subsection, "essential
8 worker" means an individual who is required to work during a
9 declared state of emergency issued by the governor, or while an
10 emergency order issued by the director of the department of health
11 and human services under section 2253 of the public health code,
12 1978 PA 368, MCL 333.2253, to control an epidemic is in effect,
13 because the individual is considered necessary to sustain or
14 protect life or to conduct minimum operations during a time that
15 the governor or the director of the department of health and human
16 services has ordered the closure of all businesses that are
17 considered nonessential.

18 (12) Subsection (11) applies to personal injuries that occur
19 on or after March 10, 2020.