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The Honorable Colorado State Senate
75th General Assembly
Second Regular Session
Colorado State Capitol
200 East Colfax Avenue
Denver, CO 80203

Dear Honorable Members of the Colorado Senate,

Today, I vetoed Senate Bill 26-184 (SB 26-184), "Firefighter Cancer Benefits & Workers' Compensation," at 1:30 pm.

This legislation alters provisions specific to firefighters in the Colorado's Workers' Compensation program. For firefighter's not employed by the State of Colorado, it adds to the list of cancers considered occupational diseases, and modifies the longstanding rebuttable presumption by requiring employers to show clear and convincing evidence, rather than a preponderance of the evidence, that the disease did not occur on the job. It also diminishes the incentive for fire districts to participate in the Colorado Firefighter Trust.

Firefighters play an extraordinarily important role in our State, from fighting wildfires, to looking out for our most vulnerable neighbors, to protecting life and property under highly dangerous circumstances. We are extremely grateful for their service. I have been asked to veto this bill by the Fire Chiefs, local governments ranging in size from Colorado Springs to Norwood, and special districts, because it would diminish the durability of the Colorado Firefighter Trust and puts state employed firefighters on unequal ground with local firefighters.

Firefighters face very real short- and long-term health risks. As a result of repeated exposure to smoke and toxic substances, firefighters face disproportionate rates of several cancers. For this reason, Colorado's Workers' Compensation program has long treated firefighters uniquely. Our current system – unique in the country – takes claims out of workers' compensation and leverages the Colorado Firefighter Trust, which is tailored to firefighters' needs and expedites claims. It is not perfect, and as I will discuss may be in need of additional attention, but it is intended to meet the needs firefighters face.

This system is the product of twenty years of work. House Bill 07-1088 established a rebuttable presumption that certain types of cancer, when contracted by firefighters, are occupational diseases caused by employment as a firefighter. Unfortunately, this presumption, while appropriate, also generated significant litigation and ultimately delayed benefits for firefighters. To address this issue, Senate Bill 17-214 allowed employers of firefighters to participate in a voluntary firefighter cancer benefits program to provide benefits to firefighters, the Colorado Firefighter Trust. As recently as two years ago under House Bill 24-1219, the General Assembly made a significant investment to facilitate participation in the Trust. The Trust provides expedited access to benefits, allows for new cancers to be added outside of the legislative process, and requires no proof that the cancer is work-related. Under the Trust, the vast majority of claims are approved sooner, more predictably, and with less litigation. In my meeting with firefighters, they rightly pointed out that unfortunately, not all fire districts participate in the Trust, and I strongly encourage all fire districts to participate in the Trust while working collaboratively to improve the Trust and address shortcomings.

Unfortunately, while well-intended, this bill will in fact make it less likely that fire districts participate in the Trust by removing the incentive for fire districts to participate. I agree with Fire Chiefs across the State that after Colorado's significant progress on this issue in recent years, discouraging participation in the Trust would be a step in the wrong direction for firefighters and fire districts alike. Decreased participation in the Trust might make it harder for those who do participate to receive the expedited access to benefits and services they deserve. It will also both raise costs for fire districts and delay benefits to firefighters. Raising costs for fire districts is also problematic at a time when we need every resource possible to help with fire preparedness and response.

Finally, I am deeply concerned that the over 200 firefighters employed by the State of Colorado were excluded from this legislation after it was introduced, and excluded simply to avoid a fiscal note. Our State firefighters should not be treated differently than any other firefighter, as they face many of the same health-related risks. This creates fundamental fairness issues for State firefighters, and as an employer would make it harder for the State to hire. I also object to the General Assembly adding these costs for local fire districts but not to the State.

It is precisely because we value the service of firefighters and recognize the unique health risks they face that I am vetoing this bill. Going forward, I would encourage further dialogue between firefighters, fire districts and other local governments, workers' compensation stakeholders, and other interested parties on what is and is not working for firefighters in Colorado's existing Workers' Compensation program through a process that allows for more time for discussions than was provided with this bill. This dialogue should examine key issues raised by proponents, including nonparticipation in the Trust, benefit levels, and which cancers it covers. I request an update on these conversations, including from the Colorado Association of Professional

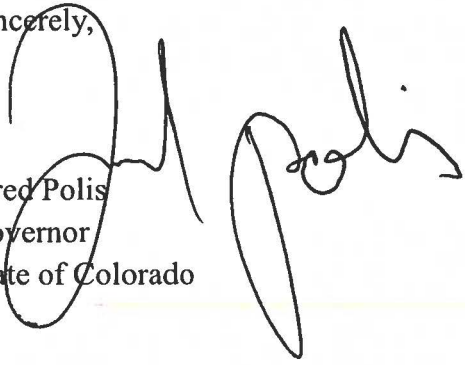
Firefighters and Colorado Association of Fire Chiefs, by September 1, 2026, and would encourage those conversations to occur to inform legislation should it be necessary next year.

We should do everything we can to ensure that the system works well for these heroes. However, this bill takes us in the wrong direction.

For these reasons, SB 26-184 is disapproved and vetoed.

Sincerely,

Jared Polis
Governor
State of Colorado

A handwritten signature in black ink, appearing to read "Jared Polis". The signature is written in a cursive style with a large initial "J" and "P".