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Firefighter Cancer Amendments

2025 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

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General Description:

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This bill modifies the Utah Occupational Disease Act by expanding the rebuttable presumption for a firefighter diagnosed with cancer.

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Highlighted Provisions:

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This bill:

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- defines terms;

- expands the list of cancers that presumptively arise from service as a firefighter;
- establishes requirements for the rebuttable presumption;
- excludes respiratory cancers related to the use of cigarettes, electronic cigarettes, tobacco products, or marijuana from the rebuttable presumption;
- provides a cancer screening to the firefighter;
- requires the fire department where a firefighter is working to cover the out-of-pocket cost of the cancer screening; and
- provides for the management of the cancer screening program.

Money Appropriated in this Bill:

This bill appropriates \$3,700,000 in operating and capital budgets for fiscal year 2026, all of which is from the General Fund.

This bill appropriates (\$3,700,000) in restricted fund and account transfers for fiscal year 2026, all of which is from the General Fund.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

34A-3-101, as renumbered and amended by Laws of Utah 1997, Chapter 375

34A-3-105, as renumbered and amended by Laws of Utah 1997, Chapter 375

34A-3-113, as last amended by Laws of Utah 2023, Chapters 25, 364

53B-29-202, as last amended by Laws of Utah 2024, Chapter 169

ENACTS:

34A-3-114, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34A-3-101** is amended to read:

34A-3-101 . Title -- Definitions.

(1) This chapter is known as the "Utah Occupational Disease Act."

(2) For purposes of this chapter[;] :

(a) ["division"] "Division" means the Division of Industrial Accidents.

(b) "Fire and rescue training program" means the program described in Section 53B-29-202.

(c)(i) "Firefighter" means a member of a public fire department or other public firefighting organization that provides fire suppression and other fire-related

44 service who is responsible for or serves in a capacity that includes responsibility
45 for the extinguishment of fires.

46 (ii) "Firefighter" includes:

47 (A) an individual who is a designated personal protective equipment technician; or

48 (B) a volunteer safety officer as described in Subsection 67-20-2(10)(b)(ii).

49 (iii)(A) "Firefighter" does not include any other individual whose job description,
50 duties, or responsibilities do not include direct involvement in fire suppression;

51 or

52 (B) individuals who provide private suppression or other private fire-related
53 protection services.

54 (d) "Presumptive cancer" means one or more of the following cancers:

55 (i) bladder;

56 (ii) brain;

57 (iii) colorectal;

58 (iv) esophageal;

59 (v) kidney;

60 (vi) leukemias;

61 (vii) lung;

62 (viii) lymphomas;

63 (ix) melanomas;

64 (x) mesotheliomas;

65 (xi) oropharynx;

66 (xii) ovarian;

67 (xiii) prostate;

68 (xiv) testicular; and

69 (xv) thyroid.

70 (e) "Rocky Mountain Center for Occupational and Environmental Health" means the
71 center described in Section 53B-30-203.

72 Section 2. Section **34A-3-105** is amended to read:

73 **34A-3-105 . Last employer liable -- Exception.**

74 (1) [Tø] Except as provided in Subsection 34A-3-113(5), the extent compensation is
75 payable under this chapter for an occupational disease which arises out of and in the
76 course of an employee's employment for more than one employer, the only employer
77 liable shall be the employer in whose employment the employee was last injuriously

exposed to the hazards of the disease if:

(a) the employee's exposure in the course of employment with that employer was a substantial contributing medical cause of the alleged occupational disease; and

(b) the employee was employed by that employer for at least 12 consecutive months.

(2) Should the conditions of Subsection (1) not be met, liability for disability, death, and medical benefits shall be apportioned between employers based on the involved employers' causal contribution to the occupational disease.

Section 3. Section **34A-3-113** is amended to read:

34A-3-113 . Presumption of workers' compensation benefits for firefighters -- Study.

~~[(1) As used in this section:]~~

~~[(a)(i) "Firefighter" means a member, including a volunteer member, as described in Subsection 67-20-2(10)(b)(ii), or a member paid on call, of a fire department or other organization that provides fire suppression and other fire-related service who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires.]~~

~~[(ii) "Firefighter" does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.]~~

~~[(b) "Presumptive cancer" means one or more of the following cancers:]~~

~~[(i) pharynx;]~~

~~[(ii) esophagus;]~~

~~[(iii) lung; and]~~

~~[(iv) mesothelioma.]~~

~~[(2)]~~ (1) If a firefighter who ~~[contracts a]~~ is diagnosed with a presumptive cancer meets the requirements of Subsection (3), there is a rebuttable presumption that~~[:]~~

~~[(a)]~~ the presumptive cancer was contracted arising out of and in the course of employment[; and] as a firefighter if the firefighter demonstrates exposure to a known carcinogen as defined by the International Agency for Research on Cancer while serving as a firefighter.

~~[(b) the presumptive cancer was not contracted by a willful act of the firefighter.]~~

(2) The following individuals may assert the rebuttable presumption described in Subsection (1):

(a) a firefighter currently in service; and

(b) a former firefighter after termination of service as a firefighter for a period:

- 112 (i) of three calendar months for each full year of service as a firefighter; and
113 (ii) not to exceed 120 months.
- 114 (3)(a) To be entitled to the rebuttable presumption described in Subsection [(2)] (1), the
115 firefighter shall submit to the fire and rescue training program a record of:
- 116 [(a)] (i) [during the time of employment as a firefighter, undergo annual physical
117 examinations;] service as a firefighter for at least eight years;
- 118 (ii) a physical examination:
- 119 (A) completed before serving as a firefighter that shows no evidence of cancer;
120 (B) completed every two years during the time of service as a firefighter; and
121 (C) that is reasonably aligned with the National Fire Protection Association
122 standards on the comprehensive occupational medical program for fire
123 departments;
- 124 (iii) after seven years of service as a firefighter, a cancer screening conducted by the
125 Rocky Mountain Center for Occupational and Environmental Health at the
126 intervals described in Section 34A-3-114 during the time of service as a firefighter;
- 127 (iv) reporting the presumptive cancer to the fire and rescue training program and, in
128 accordance with Section 34A-2-407, to the employer; and
- 129 ~~[(b) have been employed as a firefighter for eight years or more and regularly responded~~
130 ~~to firefighting or emergency calls within the eight-year period; and]~~
- 131 ~~[(c)] (v) [if the firefighter has used tobacco, provide documentation from a] a physician~~
132 ~~statement stating that[indicates that] the firefighter has not used [tobacco] tobacco~~
133 ~~products or smoked cigarettes, electronic cigarettes, or marijuana for [the eight] at~~
134 ~~least eight years [preceding] immediately before reporting the presumptive cancer~~
135 ~~to the [employer or division] employer and the fire and rescue training program.~~
- 136 (b) A firefighter is entitled to the rebuttable presumption without completing the
137 requirements described in Subsections (3)(a)(ii)(B) and (C) or Subsection (3)(a)(iii)
138 for years of service as a firefighter completed before July 1, 2026.
- 139 (4)(a)(i) A presumption established under this section may be rebutted by a
140 preponderance of the evidence.
- 141 (ii) The rebuttable presumption does not apply to cancers of the respiratory tract if
142 there is evidence that the firefighter's use of tobacco products or the firefighter's
143 smoking of cigarettes, electronic cigarettes, or marijuana is a substantial
144 contributing cause to the development of the cancer.
- 145 (b) A firefighter may seek compensation in accordance with Chapter 2, Workers'

146 Compensation Act, regardless of compliance with Subsection (3).

147 ~~[(5) If a firefighter who contracts a presumptive cancer is employed as a firefighter by more~~
148 ~~than one employer and qualifies for the presumption under Subsection (2), and that~~
149 ~~presumption has not been rebutted, the employer and insurer at the time of the last~~
150 ~~substantial exposure to risk of the presumptive cancer are liable under this chapter under~~
151 ~~Section 34A-3-105.]~~

152 (5) The fire department or firefighting organization and insurer at the time of the last
153 substantial exposure to a known carcinogen is liable when:

- 154 (a) a firefighter who contracts a presumptive cancer has served as a firefighter with more
155 than one fire department or firefighting organization;
156 (b) the firefighter qualifies for the rebuttable presumption; and
157 (c) the presumption has not been rebutted.

158 (6) A cause of action subject to the rebuttable presumption ~~[under this section-]is~~
159 considered to arise on the date that ~~[the employee]~~ a firefighter:

- 160 (a) suffers disability from the occupational disease;
161 (b) knows, or in the exercise of reasonable diligence should have known, that the
162 occupational disease is caused by ~~[employment]~~ service as a firefighter; and
163 (c) files a claim as provided in Section 34A-3-108.

164 (7)(a) The division shall conduct a five-year study to determine whether:

- 165 (i) a cancer that is not a presumptive cancer is commonly contracted through service
166 as a firefighter; and
167 (ii) a cancer that is a presumptive cancer is not commonly contracted through service
168 as a firefighter.

169 (b) In conducting the study, the division shall:

- 170 (i) consider cancer latency periods; and
171 (ii) consult with:
172 (A) the fire and rescue training program; and
173 (B) the Rocky Mountain Center for Occupational and Environmental Health.

174 (c) Before September 30, 2029, the division shall file a report to the Business and Labor
175 Interim Committee summarizing the results of the study described in Subsection
176 (7)(a) and any recommendations for legislation.

177 Section 4. Section **34A-3-114** is enacted to read:

178 **34A-3-114 . Cancer screening for public firefighters.**

179 (1)(a) The Rocky Mountain Center for Occupational and Environmental Health shall

offer a firefighter working for a public fire department, or a public firefighting organization, a cancer screening after seven years but before eight years of active service as a firefighter, continuous or combined:

(i) every five years for firefighters 49 years old or younger; and

(ii) every three years for firefighters 50 years old and older until the firefighter reaches the social security retirement qualifying age.

(b) The screening shall include applicable screening for presumptive cancer.

(2)(a) Rocky Mountain Center for Occupational and Environmental Health shall begin offering cancer screenings through the fire and rescue training program no later than January 1, 2026.

(b) Beginning January 1, 2029, and for each plan year that follows, a public fire department or public firefighting organization shall provide health care benefits, including cancer screening, consistent with the requirement of this section for the public fire department or public firefighting organization's employed or contracted firefighters.

(3)(a) The public fire department or public firefighting organization shall provide reimbursement to employed or contracted firefighters for co-payment, deductible, coinsurance, or other out-of-pocket expenses employed or contracted firefighters pay to the Rocky Mountain Center for Occupational and Environmental Health.

(b) An employed or contracted firefighter shall submit adequate documentation of the copayment, deductible, coinsurance, or other out-of-pocket expense to the public fire department or public firefighting organization for which the employed or contracted firefighter is associated for reimbursement in accordance with Subsection (3)(a).

Section 5. Section **53B-29-202** is amended to read:

53B-29-202 . Fire prevention, education, and training program.

(1) With technical advice and support from the fire board, Utah Valley University shall operate a statewide fire and rescue[-service] training program that:

(a) provides instruction, training, and testing for:

(i) Utah Valley University students; and

(ii) firefighters and emergency rescue personnel throughout the state, whether paid or volunteer;

(b) explores new methods of firefighting, fire training, and fire prevention;

(c) provides training for fire and arson detection and investigation;

(d) provides training to students, firefighters, and emergency rescue personnel on how to

- 214 conduct public education programs to promote fire safety;
- 215 (e) provides aircraft rescue firefighting training;
- 216 (f) provides for certification of firefighters, pump operators, instructors, officers, and
- 217 rescue personnel; and
- 218 (g) provides facilities and props for teaching firefighting and emergency rescue skills.
- 219 (2) Utah Valley University shall ensure that the curriculum, training, and facilities offered
- 220 in the fire and rescue training program are sufficient to allow individuals who
- 221 successfully complete the program to receive applicable certification as a firefighter or
- 222 emergency rescue professional.
- 223 (3) Utah Valley University and the fire board shall consult together regarding:
- 224 (a) the development and content of the curriculum and training of the fire and rescue
- 225 training program;
- 226 (b) the identification of individuals who [~~will be permitted to~~] may participate in the fire
- 227 and rescue training program without cost; and
- 228 (c) the establishment of certification standards and requirements.
- 229 (4) Utah Valley University shall allow individuals designated by the fire board to
- 230 participate in and complete the fire and rescue training program without cost and to
- 231 receive applicable certification.
- 232 (5) Utah Valley University and the fire board shall by contract establish terms to:
- 233 (a) define the scope and content of the fire and rescue training program;
- 234 (b) identify the fire and rescue personnel throughout the state who will be permitted to
- 235 participate in the fire and rescue training program without cost; and
- 236 (c) define other aspects of the relationship between Utah Valley University and the fire
- 237 board relating to the fire and rescue training program that are mutually beneficial.
- 238 (6) In accordance with Section 34A-3-114, the fire and rescue training program shall:
- 239 (a) facilitate cancer screenings conducted by the Rocky Mountain Center for
- 240 Occupational and Environmental Health; and
- 241 (b) track cancer screenings for a firefighter.

242 Section 6. **FY 2026 Appropriations.**

243 The following sums of money are appropriated for the fiscal year beginning July 1,

244 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for

245 fiscal year 2026.

246 Subsection 6(a). **Operating and Capital Budgets**

247 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the

Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1 To Utah Valley University - Special Projects

From General Fund 3,700,000

Schedule of Programs:

Fire and Rescue Training 3,700,000

The Legislature intends that the appropriations provided under this section be used for the first three years of the cancer screening program described in Section 34A-3-114. When drafting the base budget for fiscal year 2028, the Legislature intends that the Office of the Legislative Fiscal Analyst revise the ongoing appropriation to a one-time appropriation..

Subsection 6(b). **Restricted Fund and Account Transfers**

The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds to which the money is transferred must be authorized by an appropriation.

ITEM 2 To Firefighters Retirement Trust & Agency Fund

From General Fund (3,700,000)

Schedule of Programs:

Firefighters Retirement Trust & Agency Fund (3,700,000)

Section 7. **Effective Date.**

This bill takes effect on July 1, 2025.