

HB0065S01 compared with HB0065

{Omitted text} shows text that was in HB0065 but was omitted in HB0065S01

inserted text shows text that was not in HB0065 but was inserted into HB0065S01

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1 Firefighter Cancer Amendments

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Casey Snider**

. Senate Sponsor:

2 LONG TITLE

3 General Description:

4 This bill modifies the Utah Occupational Disease Act by expanding the rebuttable
5 presumption for a firefighter diagnosed with cancer.
6

7 Highlighted Provisions:

8 This bill:

- 12 ▶ defines terms;
- 13 ▶ expands the list of cancers that presumptively arise from service as a firefighter;
- 14 ▶ establishes requirements for the rebuttable presumption;
- 15 ▶ excludes respiratory cancers related to the use of cigarettes, electronic cigarettes, {or} tobacco
16 products , or marijuana from the rebuttable presumption;
- 17 ▶ provides a {firefighter a} cancer screening {examination at no cost} to the firefighter;
- 18 ▶ requires the fire department where a firefighter is working to cover the out-of-pocket cost of the
19 cancer screening; and
- 20 ▶ provides for the management of the cancer screening program.

18 Money Appropriated in this Bill:

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19 None

20 This bill provides a special effective date.

23 AMENDS:

24 **34A-3-101** ~~{(Effective 07/01/25)}~~, as renumbered and amended by Laws of Utah 1997, Chapter
375 ~~{(Effective 07/01/25)}~~, as renumbered and amended by Laws of Utah 1997, Chapter 375

25 **34A-3-105** , as renumbered and amended by Laws of Utah 1997, Chapter 375 , as
renumbered and amended by Laws of Utah 1997, Chapter 375

26 **34A-3-113** ~~{(Effective 07/01/25)}~~, as last amended by Laws of Utah 2023, Chapters 25,
364 ~~{(Effective 07/01/25)}~~, as last amended by Laws of Utah 2023, Chapters 25, 364

27 **53B-29-202** , as last amended by Laws of Utah 2024, Chapter 169 , as last amended by Laws
of Utah 2024, Chapter 169

28 ENACTS:

29 **34A-3-114** ~~{(Effective 07/01/25)}~~, Utah Code Annotated 1953 ~~{(Effective 07/01/25)}~~, Utah Code
Annotated 1953

30

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

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

33 **34A-3-101.** ~~{(Effective 07/01/25)}~~**Title -- Definitions.**

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

38 (2) For purposes of this chapter[,] :

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

40 (b)

. (i) "Firefighter" means a member of a public fire department or other public firefighting organization
that provides fire suppression and other fire-related service who is responsible for or ~~{is}~~ serves in
a capacity that includes responsibility for the extinguishment of fires.

43 (ii) "Firefighter" includes:

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

45 (B) a volunteer safety officer as described in Subsection 67-20-2(10)(b)(ii) ~~{;or}~~ .

46 ~~{(C) {a member paid on call.}}~~

44 (iii)

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- ~~{(iii)}~~ (A) "Firefighter" does not include any other individual whose job description, duties, or responsibilities do not include direct involvement in fire suppression~~{:}~~; or
- 47 (B) individuals who provide private suppression or other private fire-related protection services.
- 49 (c) "Fire and rescue training program" means the program described in Section 53B-29-202.
- 49 ~~{(e)}~~ (d) "Presumptive cancer" means one or more of the following cancers:
- 50 ~~{(i) {bladder;13}}~~
- 51 ~~{(ii)}~~ (i) ~~{blood}~~ bladder;
- 52 ~~{(iii)}~~ (ii) brain;
- 53 ~~{(iv) {breast;}}~~
- 54 ~~{(v)}~~ (iii) colorectal;
- 55 ~~{(vi)}~~ (iv) esophageal;
- 56 (v) kidney;
- 57 (vi) leukemias;
- 58 (vii) lung;
- 59 (viii) lymphomas;
- 60 (ix) melanomas;
- 61 (x) mesotheliomas;
- 62 (xi) oropharynx;
- 56 ~~{(vii)}~~ (xii) ovarian;
- 57 ~~{(viii) {kidney;}}~~
- 58 ~~{(ix) {lung;}}~~
- 59 ~~{(x) {melanoma;}}~~
- 60 ~~{(xi) {mesothelioma;}}~~
- 61 ~~{(xii) {non-Hodgkins lymphoma;}}~~
- 62 ~~{(xiii) {oropharynx;}}~~
- 63 ~~{(xiv)}~~ (xiii) prostate;
- 64 ~~{(xv) {skin;}}~~
- 65 ~~{(xvi)}~~ (xiv) testicular; and
- 66 ~~{(xvii)}~~ (xv) thyroid.
- 67 (e) "Rocky Mountain Center for Occupational and Environmental Health" means the center described in Section 53B-30-203.

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

70 **34A-3-105. Last employer liable -- Exception.**

71 (1) ~~[To]~~ Except as provided in Subsection 34A-3-113(5), the extent compensation is payable under
this chapter for an occupational disease which arises out of and in the course of an employee's
employment for more than one employer, the only employer liable shall be the employer in whose
employment the employee was last injuriously exposed to the hazards of the disease if:

76 (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

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

79 (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.

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

83 **34A-3-113. ~~{(Effective 07/01/25)}~~Presumption of workers' compensation benefits for
firefighters-- Study.**

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

71 ~~[(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.]~~

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

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

79 ~~[(i) pharynx;]~~

80 ~~[(ii) esophagus;]~~

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

82 ~~[(iv) mesothelioma.]~~

83 ~~[(2)]~~ (1) If a firefighter who ~~[contracts a]~~ is diagnosed with a presumptive cancer meets the
requirements of Subsection ~~{(3){}}~~ (2), there is a rebuttable presumption that [:]

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- (a) the presumptive cancer was contracted arising out of and in the course of [employment{ } being a firefighter]; and] being a firefighter.
- 87 (b) the presumptive cancer was not contracted by a willful act of the firefighter.]
- 88 (2) The following individuals may assert the rebuttable presumption { provided } described in Subsection (1) { applies to } :
- 89 (a) a firefighter currently in service; and
- 90 { (b) }
- . { (i) } (b) a former firefighter { until the } after termination of service as a firefighter { reaches the Social Security retirement qualifying age; and } for a period:
- 92 { (ii) } (i) { who is diagnosed with a presumptive cancer no more than ten years after the firefighter's last day } of three calendar months for each full year service as a firefighter of three calendar months for each full year service as a firefighter { ; } and
- 108 (ii) not to exceed 120 months.
- 94 (3)
- . (a) To be entitled to the rebuttable presumption described in Subsection [(2)] (1), the firefighter shall submit to the fire and rescue training program { described in Section 53B-29-202 } a record of:
- 96 (a) (i) [during the time of employment as a firefighter, undergo annual physical examinations;] service as a firefighter { with assignment to hazardous duty } for at least { five } eight years;
- 99 { (b) } (ii) a physical examination:
- 100 { (i) } (A) completed before serving as a firefighter that { does not indicate } shows no evidence of cancer;
- 101 { (ii) } (B) { beginning July 1, 2025, } completed every { three } two years during the time of service as a firefighter; and
- 103 { (iii) } (C) that is reasonably aligned with the National Fire Protection Association { standard } standards on the comprehensive occupational medical program for fire departments;
- 105 { (e) } (iii) { beginning July 1, 2025 } after seven years of service as a firefighter, a cancer screening { examinations } conducted by the Rocky Mountain Center for Occupational and Environmental Health at the intervals described in { accordance with } Section 34A-3-114 during the time of service as a firefighter; { and }
- 122 (iv) reporting the presumptive cancer to the fire and rescue training program and, in accordance with Section 34A-2-407, to the employer; and

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- 107 [(b) have been employed as a firefighter for eight years or more and regularly responded to firefighting
or emergency calls within the eight-year period; and]
- 109 [(e)] ~~{(d)}~~ (v) [if the firefighter has used tobacco, provide documentation from a] a physician statement
stating that[indicates that] the firefighter has not used [tobacco] cigarettes, electronic cigarettes, or
tobacco products, or smoked marijuana for [the] at least eight years [preceeding] immediately before
reporting the presumptive cancer to the [employer or division] employer and the fire and rescue
training program ~~{described in Section 53B-29-202}~~ .
- 132 (b) A firefighter is entitled to the rebuttable presumption without completing the requirements described
in Subsections (3)(a)(ii)(B) and (C) or Subsection (3)(a)(iii) for service as a firefighter completed
before July 1, 2026.
- 113 (4)
. {(a)}
. (a)
A presumption established under this section may be rebutted by a preponderance of the evidence.
- 115 {(b)}
. {(i) A firefighter may not benefit from the rebuttable presumption if the firefighter does not comply
with Subsection (3).}
- 117 {(ii) A firefighter may seek compensation in accordance with Chapter 2, Workers' Compensation Act,
regardless of compliance with Subsection (3).}
- 119 {(iii) {The rebuttable presumption does not apply to cancers of the respiratory tract if there is evidence
that the firefighter's exposure to cigarettes, electronic cigarettes, or tobacco products outside of the
scope of the firefighter's official duties is a substantial contributing cause to the development of the
cancer.}}
- 123 {(5)} }
- 137 (ii) The rebuttable presumption does not apply to cancers of the respiratory tract if there is evidence
that the firefighter's use of tobacco products or the firefighter's smoking of cigarettes, electronic
cigarettes, or marijuana is a substantial contributing cause to the development of the cancer.
- 141 (b) A firefighter may seek compensation in accordance with Chapter 2, Workers' Compensation Act,
regardless of compliance with Subsection (3).
- 143 {(5)} If a firefighter who contracts a presumptive cancer is employed as a firefighter by more than one
employer and qualifies for the presumption under Subsection (2), and that presumption has not

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been rebutted, the employer and insurer at the time of the last substantial exposure to risk of the presumptive cancer are liable under this chapter under Section 34A-3-105.]

- 128 (5) The fire department or firefighting organization and insurer at the time of the last substantial exposure to risk of a presumptive cancer is liable {under Section 34A-3-105} when:
- 131 (a) a firefighter who contracts a presumptive cancer {serves} has served as a firefighter with more than one fire department or firefighting organization;
- 133 (b) the firefighter qualifies for the rebuttable presumption; and
- 134 (c) the presumption has not been rebutted.
- 135 (6) A cause of action subject to the rebuttable presumption [~~under this section~~] is considered to arise on the date that [the employee] a firefighter:
- 137 (a) suffers disability from the occupational disease;
- 138 (b) knows, or in the exercise of reasonable diligence should have known, that the occupational disease is caused by [employment] {serving} service as a firefighter; and
- 140 (c) files a claim as provided in Section 34A-3-108.

160 (7)

- . (a) The division shall conduct a five-year study to determine whether a cancer that is not a presumptive cancer is commonly contracted through service as a firefighter.
- 162 (b) In conducting the study, the division shall:
- 163 (i) consider cancer latency periods; and
- 164 (ii) consult with:
- 165 (A) the fire and rescue training program; and
- 166 (B) the Rocky Mountain Center for Occupational and Environmental Health.
- 167 (c) Before September 30, 2029, the division shall file a report to the Business and Labor Interim Committee summarizing the results of the study described in Subsection (7)(a) and any recommendations for legislation.

170 Section 4. Section 4 is enacted to read:

171 **34A-3-114. ~~{(Effective 07/01/25)}~~ Cancer screening for public firefighters.**

143 (1)

- . {~~After five years of active service, continuous or combined,~~} The Rocky Mountain Center for Occupational and Environmental Health shall offer a firefighter working for a public fire department, or a public firefighting organization, {~~shall be offered~~} a cancer screening

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~~{examination conducted by}~~ after seven years but before eight years of active service as a
~~{physician approved by the program described in Section 53B-29-202}~~ firefighter, continuous or
combined:

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

148 (ii) every three years for firefighters 50 years old and older until the firefighter reaches the ~~{Social~~
~~Security}~~ social security retirement qualifying age.

150 (b) The ~~{examination}~~ screening shall include applicable screening for presumptive ~~{cancers}~~ cancer.

180 (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.

151 ~~{(2)}~~ (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
~~{examinations}~~, consistent with the requirement of this section for the public fire department or
public firefighting organization's employed ~~{and}~~ or contracted firefighters.

155 (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.

~~{(a)}~~ (b) ~~{If there is a}~~ 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 ~~{shall provide reimbursement to employed and}~~
for which the employed or contracted ~~{firefighters}~~ firefighter is associated for reimbursement in
accordance with Subsection (3)(a).

158 ~~{(b) {A public fire department or public firefighting organization shall maintain adequate records to~~
~~facilitate the reimbursement to comply with Subsection (3)(a).}}~~

160 ~~{(4) {The program described in Section 53B-29-202 shall, with the consent of the firefighter:}}~~

161 ~~{(a) {track cancer screenings for a firefighter; and}}~~

162 ~~{(b) {serve as a liaison between a firefighter and a cancer screening clinic.}}~~

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

197 **53B-29-202. Fire prevention, education, and training program.**

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- 198 (1) With technical advice and support from the fire board, Utah Valley University shall operate a
statewide fire and rescue~~[service]~~ training program that:
- 200 (a) provides instruction, training, and testing for:
- 201 (i) Utah Valley University students; and
- 202 (ii) firefighters and emergency rescue personnel throughout the state, whether paid or volunteer;
- 204 (b) explores new methods of firefighting, fire training, and fire prevention;
- 205 (c) provides training for fire and arson detection and investigation;
- 206 (d) provides training to students, firefighters, and emergency rescue personnel on how to conduct public
education programs to promote fire safety;
- 208 (e) provides aircraft rescue firefighting training;
- 209 (f) provides for certification of firefighters, pump operators, instructors, officers, and rescue personnel;
and
- 211 (g) provides facilities and props for teaching firefighting and emergency rescue skills.
- 212 (2) Utah Valley University shall ensure that the curriculum, training, and facilities offered in the fire
and rescue training program are sufficient to allow individuals who successfully complete the
program to receive applicable certification as a firefighter or emergency rescue professional.
- 216 (3) Utah Valley University and the fire board shall consult together regarding:
- 217 (a) the development and content of the curriculum and training of the fire and rescue training program;
- 219 (b) the identification of individuals who ~~[will be permitted to]~~ may participate in the fire and rescue
training program without cost; and
- 221 (c) the establishment of certification standards and requirements.
- 222 (4) Utah Valley University shall allow individuals designated by the fire board to participate in and
complete the fire and rescue training program without cost and to receive applicable certification.
- 225 (5) Utah Valley University and the fire board shall by contract establish terms to:
- 226 (a) define the scope and content of the fire and rescue training program;
- 227 (b) identify the fire and rescue personnel throughout the state who will be permitted to participate in the
fire and rescue training program without cost; and
- 229 (c) define other aspects of the relationship between Utah Valley University and the fire board relating to
the fire and rescue training program that are mutually beneficial.
- 231 (6) In accordance with Section 34A-3-114, the fire and rescue training program shall:
- 232

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(a) facilitate cancer screenings conducted by the Rocky Mountain Center for Occupational and Environmental Health; and

234 (b) track cancer screenings for a firefighter.

235 Section 6. **Effective date.**

This bill takes effect on July 1, 2025.

2-5-25 8:54 PM