

HB0065S02 compared with HB0065

~~{Omitted text}~~ shows text that was in HB0065 but was omitted in HB0065S02

inserted text shows text that was not in HB0065 but was inserted into HB0065S02

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1

Firefighter Cancer Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Casey Snider
Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

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

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
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
cancer screening; and
- 20 ▶ provides for the management of the cancer screening program.

18 **Money Appropriated in this Bill:**

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- 19 ▶ **This bill appropriates \$3,000,000 in operating and capital budgets for fiscal year 2026,**
20 **all**
21 **of which is from the various sources as detailed in this bill.**
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21 Other Special Clauses:

22 This bill provides a special effective date.

24 AMENDS:

25 **34A-3-101** ~~Effective 07/01/25~~, as renumbered and amended by Laws of Utah 1997, Chapter
26 375 ~~Effective 07/01/25~~, as renumbered and amended by Laws of Utah 1997, Chapter 375

27 **34A-3-105 , as renumbered and amended by Laws of Utah 1997, Chapter 375 , as**
28 **renumbered and amended by Laws of Utah 1997, Chapter 375**

29 **34A-3-113** ~~Effective 07/01/25~~, as last amended by Laws of Utah 2023, Chapters 25,
30 364 ~~Effective 07/01/25~~, as last amended by Laws of Utah 2023, Chapters 25, 364

31 **53B-29-202 , as last amended by Laws of Utah 2024, Chapter 169 , as last amended by Laws**
32 **of Utah 2024, Chapter 169**

33 ENACTS:

34 **34A-3-114** ~~Effective 07/01/25~~, Utah Code Annotated 1953 ~~Effective 07/01/25~~, Utah Code
35 Annotated 1953

36

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

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

39 **34A-3-101. ~~Effective 07/01/25~~Title -- Definitions.**

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

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

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

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

44 ~~(b)~~ (c)

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

48 (ii) "Firefighter" includes:

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

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- 45 (B) a volunteer safety officer as described in Subsection 67-20-2(10)(b)(ii){~~;-or~~};
- 46 ~~{(C) {a member paid on call.}}~~
- 47 (iii)
- 47 ~~{(iii)} (A) "Firefighter" does not include any other individual whose job description, duties, or~~
responsibilities do not include direct involvement in fire suppression{~~;~~}; or
- 50 (B) individuals who provide private suppression or other private fire-related protection services.
- 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;
- 57 (v) kidney;
- 58 (vi) leukemias;
- 59 (vii) lung;
- 60 (viii) lymphomas;
- 61 (ix) melanomas;
- 62 (x) mesotheliomas;
- 63 (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.

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

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

71 **34A-3-105. Last employer liable -- Exception.**

72 (1) ~~[Tø]~~ 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:

77 (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

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

80 (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.

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

84 **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.]~~

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- [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~~[:]~~
- 85 (a) the presumptive cancer was contracted arising out of and in the course of ~~{employment{}~~ being a firefighter~~]; 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.
- 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)}~~ }
- 109 (b) a former firefighter after termination of service as a firefighter for a period:
- (i) of three calendar months for each full year of service as a ~~{former firefighter until the firefighter reaches the Social Security retirement qualifying age}~~ firefighter; and
- 92 (ii) ~~{who is diagnosed with a presumptive cancer no more than ten years after the firefighter's last day of service as a firefighter}~~ 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 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,}~~ a cancer screening ~~{examinations in accordance with Section 34A-3-114 during}~~ conducted by the ~~{time of service as a firefighter;}~~ Rocky Mountain Center for Occupational and Environmental Health:

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107 ~~{(b)}~~ }

124 (A) completed before serving as a firefighter that shows no evidence of cancer; and
after five years of service as a firefighter at the 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 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 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]~~ tobacco products
or smoked cigarettes, electronic cigarettes, or marijuana for [the{ } at least] ~~eight~~ at least five
years [preceding] 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~~ } .

136 (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 years of 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)}~~ }

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- (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.
- 145 (b) A firefighter may seek compensation in accordance with Chapter 2, Workers' 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 than one employer and qualifies for the presumption under Subsection (2), and that presumption has not 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} known carcinogen 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.
- 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 as a firefighter; and
- 167 (ii) a cancer that is a presumptive cancer is not commonly contracted through service as a firefighter.
- 169 (b) In conducting the study, the division shall:
- 170 (i) consider cancer latency periods; and
- 171 (ii) consult with:

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- 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 Interim
Committee summarizing the results of the study described in Subsection (7)(a) and any
recommendations for legislation.

177 Section 4. Section 4 is enacted to read:

178 **34A-3-114. ~~{(Effective 07/01/25)}~~Cancer screening for public firefighters.**

143 (1)

(a) ~~{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
~~{examination conducted by}~~ after five years but before six 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.

187 (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

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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. }~~ }

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

204 **53B-29-202. Fire prevention, education, and training program.**

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

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

208 (i) Utah Valley University students; and

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

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

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

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

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 training program;

226 (b) the identification of individuals who [~~will be permitted to~~] may participate in the fire and rescue
training program without cost; and

228 (c) the establishment of certification standards and requirements.

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- 229 (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.
- 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 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 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 Occupational and
Environmental Health; and
- 241 (b) track cancer screenings for a firefighter.

Section . **FY 2026 Appropriations.**

242 The following sums of money are appropriated for the fiscal year beginning July 1,
243 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for
244 fiscal year 2026.

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

245 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
246 Legislature appropriates the following sums of money from the funds or accounts indicated for
247 the use and support of the government of the state of Utah.

248 To Utah Valley University - Special Projects

3,000,000

249 Schedule of Programs:

3,000,000

250 The Legislature intends that appropriations

251 provided under this section be used for the first three

252 years of the cancer screening program described in

253 Section 34A-3-114. When drafting the base budget for

254 fiscal year 2028, the Legislature intends that the Office of

255 the Legislative Fiscal Analyst revise the ongoing

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261 Section 7. **Effective date.**

This bill takes effect on July 1, 2025.

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