

Casey Snider proposes the following substitute bill:

Firefighter Cancer Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Michael K. McKell

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:

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

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill provides a special effective date.

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **34A-3-101**, 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

26 **34A-3-113**, 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

28 ENACTS:

29 34A-3-114, Utah Code Annotated 1953



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 . Title -- Definitions.**

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

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

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

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

41 (ii) "Firefighter" includes:

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

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

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

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

49 (c) "Fire and rescue training program" means the program described in Section
50 53B-29-202.

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

52 (i) bladder;

53 (ii) brain;

54 (iii) colorectal;

55 (iv) esophageal;

56 (v) kidney;

57 (vi) leukemias;

58 (vii) lung;

59 (viii) lymphomas;

60 (ix) melanomas;

61 (x) mesotheliomas;

62 (xi) oropharynx;

63 (xii) ovarian;

64 (xiii) prostate;

65 (xiv) testicular; and

66 (xv) thyroid.

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

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

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

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

76 (a) the employee's exposure in the course of employment with that employer was a
77 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
80 medical benefits shall be apportioned between employers based on the involved
81 employers' causal contribution to the occupational disease.

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

83 **34A-3-113 . Presumption of workers' compensation benefits for firefighters --**
84 **Study.**

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

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

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

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

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

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

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

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

98 ~~[(2)] (1)~~ If a firefighter who ~~[contracts a]~~ is diagnosed with a presumptive cancer meets the
99 requirements of Subsection (3), there is a rebuttable presumption that[:]

100 ~~[(a)]~~ the presumptive cancer was contracted arising out of and in the course of [
101 employment; and] being a firefighter.

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

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

105 (a) a firefighter currently in service; and

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

107 (i) of three calendar months for each full year of service as a firefighter; and

108 (ii) not to exceed 120 months.

109 (3)(a) To be entitled to the rebuttable presumption described in Subsection ~~[(2)] (1)~~, the
110 firefighter shall submit to the fire and rescue training program a record of:

111 ~~[(a)] (i)~~ [during the time of employment as a firefighter, undergo annual physical
112 examinations;] service as a firefighter for at least eight years;

113 (ii) a physical examination:

114 (A) completed before serving as a firefighter that shows no evidence of cancer;

115 (B) completed every two years during the time of service as a firefighter; and

116 (C) that is reasonably aligned with the National Fire Protection Association
117 standards on the comprehensive occupational medical program for fire
118 departments;

119 (iii) after seven years of service as a firefighter, a cancer screening conducted by the

120 Rocky Mountain Center for Occupational and Environmental Health at the

121 intervals described in Section 34A-3-114 during the time of service as a firefighter;

122 (iv) reporting the presumptive cancer to the fire and rescue training program and, in
123 accordance with Section 34A-2-407, to the employer; and

124 ~~[(b) have been employed as a firefighter for eight years or more and regularly responded~~
125 ~~to firefighting or emergency calls within the eight-year period; and]~~

126 ~~[(c)] (v)~~ [if the firefighter has used tobacco, provide documentation from a] a physician
127 statement stating that[indicates that] the firefighter has not used [tobacco]

128 cigarettes, electronic cigarettes, or tobacco products, or smoked marijuana for [the]

129 at least eight years [preceding] immediately before reporting the presumptive

130 cancer to the [employer or division] employer and the fire and rescue training

131 program.

132 (b) A firefighter is entitled to the rebuttable presumption without completing the
 133 requirements described in Subsections (3)(a)(ii)(B) and (C) or Subsection (3)(a)(iii)
 134 for service as a firefighter completed before July 1, 2026.

135 (4)(a)(i) A presumption established under this section may be rebutted by a
 136 preponderance of the evidence.

137 (ii) The rebuttable presumption does not apply to cancers of the respiratory tract if
 138 there is evidence that the firefighter's use of tobacco products or the firefighter's
 139 smoking of cigarettes, electronic cigarettes, or marijuana is a substantial
 140 contributing cause to the development of the cancer.

141 (b) A firefighter may seek compensation in accordance with Chapter 2, Workers'
 142 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~~
 144 ~~than one employer and qualifies for the presumption under Subsection (2), and that~~
 145 ~~presumption has not been rebutted, the employer and insurer at the time of the last~~
 146 ~~substantial exposure to risk of the presumptive cancer are liable under this chapter under~~
 147 ~~Section 34A-3-105.]~~

148 (5) The fire department or firefighting organization and insurer at the time of the last
 149 substantial exposure to risk of a presumptive cancer is liable when:

150 (a) a firefighter who contracts a presumptive cancer has served as a firefighter with more
 151 than one fire department or firefighting organization;

152 (b) the firefighter qualifies for the rebuttable presumption; and

153 (c) the presumption has not been rebutted.

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

156 (a) suffers disability from the occupational disease;

157 (b) knows, or in the exercise of reasonable diligence should have known, that the
 158 occupational disease is caused by [employment] service as a firefighter; and

159 (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
 161 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
168 Interim Committee summarizing the results of the study described in Subsection
169 (7)(a) and any recommendations for legislation.

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

171 **34A-3-114 . Cancer screening for public firefighters.**

- 172 (1)(a) The Rocky Mountain Center for Occupational and Environmental Health shall
173 offer a firefighter working for a public fire department, or a public firefighting
174 organization, a cancer screening after seven years but before eight years of active
175 service as a firefighter, continuous or combined:
176 (i) every five years for firefighters 49 years old or younger; and
177 (ii) every three years for firefighters 50 years old and older until the firefighter
178 reaches the social security retirement qualifying age.
179 (b) The screening shall include applicable screening for presumptive cancer.
180 (2)(a) Rocky Mountain Center for Occupational and Environmental Health shall begin
181 offering cancer screenings through the fire and rescue training program no later than
182 January 1, 2026.
183 (b) Beginning January 1, 2029, and for each plan year that follows, a public fire
184 department or public firefighting organization shall provide health care benefits,
185 including cancer screening, consistent with the requirement of this section for the
186 public fire department or public firefighting organization's employed or contracted
187 firefighters.

- 188 (3)(a) The public fire department or public firefighting organization shall provide
189 reimbursement to employed or contracted firefighters for co-payment, deductible,
190 coinsurance, or other out-of-pocket expenses employed or contracted firefighters pay
191 to the Rocky Mountain Center for Occupational and Environmental Health.
192 (b) An employed or contracted firefighter shall submit adequate documentation of the
193 copayment, deductible, coinsurance, or other out-of-pocket expense to the public fire
194 department or public firefighting organization for which the employed or contracted
195 firefighter is associated for reimbursement in accordance with Subsection (3)(a).

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

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

- 198 (1) With technical advice and support from the fire board, Utah Valley University shall

- 199 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
- 203 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
- 207 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
- 210 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
- 213 in the fire and rescue training program are sufficient to allow individuals who
- 214 successfully complete the program to receive applicable certification as a firefighter or
- 215 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
- 218 training program;
- 219 (b) the identification of individuals who [~~will be permitted to~~] may participate in the fire
- 220 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
- 223 participate in and complete the fire and rescue training program without cost and to
- 224 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
- 228 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
- 230 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 (a) facilitate cancer screenings conducted by the Rocky Mountain Center for

233 Occupational and Environmental Health; and
234 (b) track cancer screenings for a firefighter.
235 **Section 6. Effective Date.**
236 This bill takes effect on July 1, 2025.