

Derrin R. Owens proposes the following substitute bill:

Line-of-Duty Death Benefit Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor: Douglas R. Welton

LONG TITLE

General Description:

This bill modifies provisions relating to benefits resulting from a line-of-duty death.

Highlighted Provisions:

This bill:

- adds dental and vision benefits to the benefits available to the spouse and surviving children of a public safety employee or fire service employee who dies in the line of duty;
- removes the 12-month waiting period for accessing funds from the Local Public Safety and Firefighter Surviving Spouse Trust Fund to pay for the surviving spouse's and children's benefits; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

49-20-406, as last amended by Laws of Utah 2018, Chapter 210

53-17-201, as last amended by Laws of Utah 2017, Chapter 269

53-17-401, as last amended by Laws of Utah 2017, Chapter 269

53-17-402, as last amended by Laws of Utah 2021, Chapter 382

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

Section 1. Section **49-20-406** is amended to read:

49-20-406 . Insurance benefits for employees' beneficiaries.

(1) As used in this section:

(a) "Children" includes stepchildren and legally adopted children.

(b)(i) "Line-of-duty death" means a death resulting from:

(A) external force or violence occasioned by an act of duty as an employee; or

(B) strenuous activity, including a heart attack or stroke, that occurs during strenuous training or another strenuous activity required as an act of duty as an employee.

(ii) "Line-of-duty death" does not include a death that:

(A) occurs during an activity that is required as an act of duty as an employee if the activity is not a strenuous activity, including an activity that is clerical, administrative, or of a nonmanual nature contributes to the employee's death;

(B) occurs during the commission of a crime committed by the employee;

(C) the employee's intoxication or use of alcohol or drugs, whether prescribed or nonprescribed, contributes to the employee's death; or

(D) occurs in a manner other than as described in Subsection (1)(b)(i).

(c)(i) "Strenuous activity" means engagement involving a difficult, stressful, or vigorous fire suppression, rescue, hazardous material response, emergency medical service, physical law enforcement, prison security, disaster relief, or other emergency response activity.

(ii) "Strenuous activity" includes participating in a participating employer sanctioned and funded training exercise that involves difficult, stressful, or vigorous physical activity.

(2) The beneficiary of a covered individual who is employed by the state and who has a line-of-duty death shall receive:

(a) the proceeds of a \$50,000 group term life insurance policy paid for by the state and administered and provided as part of the group life insurance program under this chapter; and

(b) group health, dental, and vision coverage paid for by the state that covers the covered individual's:

(i) surviving spouse until becoming eligible for Medicare as long as the surviving spouse continues coverage with the program; and

(ii) unmarried children up to the age of 26.

(3) A covered employer not required to provide the benefits under Subsection (2) may provide ~~[either or both]~~ any of the benefits ~~[under]~~ described in Subsection (2) by paying rates established by the program.

(4) The benefit provided under Subsection (2)(a) is subject to the same terms and conditions as the group life insurance program provided under this chapter.

Section 2. Section **53-17-201** is amended to read:

53-17-201 . Surviving spouse and children health, dental, and vision coverage for line-of-duty death.

(1)(a) Subject to Subsection (1)(b), and in accordance with this section, an employer shall allow the surviving spouse and children of a member whose death is classified by the Utah State Retirement Office as a line-of-duty death under the provisions of Title 49, Utah State Retirement and Insurance Benefit Act, to remain eligible for [~~health coverage under the employer's group health plan~~] the following coverage, if offered by the employer, as if the surviving spouse was an employee of the employer[:] :

(i) health coverage;

(ii) dental coverage; and

(iii) vision coverage.

~~[(b) The employer shall pay 100% of the premium costs and, if the health coverage is a high-deductible plan, the employer share of any contribution into a health savings account for the surviving spouse and dependent children as described under Subsections (1)(a) and (2), and may not require payment from the surviving spouse for premium costs or health savings account contributions as a condition of qualifying to continue to receive the health coverage.]~~

(b) Except as provided in Subsection (1)(d), the employer shall pay:

(i) 100% of the premium costs for the coverage described in Subsection (1)(a); and

(ii) if the health coverage is a high-deductible plan, the employer share of any contribution into a health savings account for the surviving spouse and dependent children as described under Subsections (1)(a) and (2).

(c) The employer may not require the surviving spouse to pay for premium costs or health savings account contributions as a condition of qualifying to continue to receive the coverage described in Subsection (1)(a).

~~[(e) For the first 12 months after the line-of-duty death, the employer shall pay the amount specified under Subsection (1)(b).]~~

~~(d) [Beginning 13 months after the line-of-duty death, an]~~ An employer may pay the amount specified under Subsection (1)(b) through a cost-sharing agreement under Section 53-17-301 associated with the trust fund created under Section 53-17-401.

(2) An employer shall allow a surviving spouse and children to remain eligible to receive [

health-]coverage from the employer under this section at the option of the surviving spouse:

(a) ~~[for health coverage-]~~for the surviving spouse, until the surviving spouse becomes eligible for Medicare; and

(b) for ~~[health coverage of-]~~a child, until the child reaches the age of 26.

(3) This section does not apply to~~[-a member who]~~:

(a) a member who does not qualify for a line-of-duty death benefit under Title 49, Utah State Retirement and Insurance Benefit Act;

(b) coverage for which, at the time of death, the member did not receive or qualify to receive~~[-employer group health coverage]~~; or

(c) a member who is covered under Section 49-20-406.

Section 3. Section **53-17-401** is amended to read:

53-17-401 . Local Public Safety and Firefighter Surviving Spouse Trust Fund.

(1) There is created a private purpose trust fund entitled the "Local Public Safety and Firefighter Surviving Spouse Trust Fund."

(2) The trust fund consists of:

(a) fees established in Subsection 53-17-402(2)(a);

(b) appropriations made to the fund by the Legislature, if any;

(c) private donations and grants; and

(d) other revenue received from other sources.

(3) The ~~[Department of Public Safety]~~ department:

(a) shall account for the receipt and expenditures of trust fund money; or

(b) may enter into contract with a third-party administrator to administer the fund and account for the receipt and expenditure of trust fund money.

(4) The trust fund shall earn interest.

(5) The revenue and interest in the account, less actual administrative costs to the department, shall be used to lower fees paid by an employer under Section 53-17-201.

(6) The board of trustees created in Section 53-17-402 may expend money from the trust fund:

~~[(a) for health coverage for a surviving spouse and children under Subsection 53-17-201(1)(d) by paying:]~~

~~[(i) premium costs; or]~~

~~[(ii) if the health coverage is a high-deductible plan, premium costs and the employer contribution to a health savings account; and]~~

(a) as provided in Subsection 53-17-201(1); and

(b) for reasonable administrative costs that the department and the board of trustees incur in performing their duties for administering the trust fund.

(7) Money deposited into the trust fund is irrevocable and is expended only for the purposes described in this chapter.

(8) Assets of the trust fund are dedicated for the purposes established by statute and administrative rule.

(9) Creditors of the board of trustees and of employers liable for the benefits paid under this chapter may not seize, attach, or otherwise obtain assets of the trust fund.

Section 4. Section **53-17-402** is amended to read:

53-17-402 . Local Public Safety and Firefighter Surviving Spouse Trust Fund

Board of Trustees -- Quorum -- Duties -- Establish rates.

(1)(a) There is created the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees composed of four members:

(i) the commissioner of public safety or the commissioner's designee;

(ii) the executive director of the Governor's Office of Planning and Budget or the executive director's designee;

(iii) one person representing municipalities, designated by the Utah League of Cities and Towns; and

(iv) one person representing counties, designated by the Utah Association of Counties.

(b) The commissioner of public safety, or the commissioner's designee, is chair of the board.

(c) Three members of the board are a quorum.

(d) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

(e)(i) The [~~Department of Public Safety~~] department shall staff the board of trustees.

(ii) The department shall provide accounting services for the trust fund.

(2) The board shall:

(a) establish rates to charge each employer based on the number of public safety service

employees and firefighter service employees who are eligible for the health, dental,
and vision coverage under this chapter;

- (b) act as trustee of the trust fund and exercise the state's fiduciary responsibilities;
- (c) meet at least once per year;
- (d) review and approve all policies, projections, rules, criteria, procedures, forms, standards, performance goals, and actuarial reports;
- (e) review and approve the budget for the trust fund;
- (f) review financial records of the trust fund, including trust fund receipts, expenditures, and investments;
- (g) commission and obtain financial or actuarial studies of the liabilities for the trust fund;
- (h) calculate and approve administrative expenses of the trust fund; and
- (i) do any other things necessary to perform the fiduciary obligations under the trust.

Section 5. Effective Date.

This bill takes effect on May 7, 2025.