

HB0416S01 compared with HB0416

{Omitted text} shows text that was in HB0416 but was omitted in HB0416S01
inserted text shows text that was not in HB0416 but was inserted into HB0416S01

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1

Firefighter Cancer Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Jordan D. Teuscher
Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill creates the Firefighter Cancer Benefit Trust Fund.

6 **Highlighted Provisions:**

7 This bill:

8 ▸ defines terms;

9 ▸ changes the amount of revenue transferred to the Utah State Retirement Office from the

10 insurance premiums tax and used to pay for certain firefighter retirement programs;

11 ▸ creates the Firefighter Cancer Benefit Trust Fund;

12 ▸ creates a board of trustees; and

13 ▸ establishes the duties of the board of trustees.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides a special effective date.

18 **Utah Code Sections Affected:**

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19 AMENDS:

20 **49-11-901.5** , as enacted by Laws of Utah 2011, Chapters 290, 439

21 **59-9-101** , as last amended by Laws of Utah 2025, First Special Session, Chapter 9

22 ENACTS:

23 **53-32-101** , Utah Code Annotated 1953

24 **53-32-201** , Utah Code Annotated 1953

25 **53-32-202** , Utah Code Annotated 1953

26 REPEALS:

27 **49-11-902** , as last amended by Laws of Utah 2011, Chapters 290, 439

28 **49-11-903** , as last amended by Laws of Utah 2022, Chapter 451

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

31 Section 1. Section **49-11-901.5** is amended to read:

32 **49-11-901.5. Premium tax revenues -- Distribution.**

33 (1)

34 [({a}) In Beginning fiscal year 2027 and in accordance with this section, there shall be paid to the office:

35 [({i}) (a) 50% of the first \$4,000,000 collected from the annual tax levied, assessed, and collected
under Title 59, Chapter 9, Taxation of Admitted Insurers, upon premiums for property
insurance, as defined under Section 31A-1-301, and as applied to fire and allied lines insurance
collected by insurance companies within the state; and

36 [({ii}) (b) 10% of all money assessed and the first \$1,000,000 collected under Title 59, Chapter
9, Taxation of Admitted Insurers, upon premiums for life insurance, as defined in Section
31A-1-301, within the state.

37 [({b}) Payments to the fund shall be made annually until the service liability under this part is liquidated,
after which the tax revenue provided in this Subsection (1) ceases.]

38 [({2}) The office shall distribute the premium tax revenue paid under Subsection (1) as follows:]

39 [({a}) an amount determined by the office to fully fund the long-term disability program provided for
firefighters under Section 49-23-601;]

40 [({b}) an amount determined by the office to the Firefighters' Retirement Trust Fund created under
Section 49-16-104 equal to the amount when calculated as a percentage of the certified contribution
rate for members in Divisions A and B, as defined under Section 49-16-301, that is the percentage

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of the certified contribution rate paid to the Firefighters' Retirement Trust Fund on July 1, 2004; and]

53 [53] (e) any remaining amount in accordance with Section 49-11-902.]

54 (2)

55 (a) The office shall use the revenue described in Subsection (1) to fund:

57 (i) the long term disability program provided for firefighters under Section 49-23-601, until the
program is fully funded; and

57 (ii) the Firefighters' Retirement Trust Fund created in Section 49-16-104 until the actuarial funded
ratio of the Firefighters' Retirement System created in Section 49-16-103 reaches and can be
maintained at 110%, as determined by the board's actuary using assumptions adopted by the
board.

61 (b) The office shall annually determine the amount distributed for each purpose under Subsection (2)

61 (a), including, for the distribution under Subsection (2)(a)(i), the apportionment between Divisions
A and B as defined in Section 49-16-301.

64 (3) The office shall inform the Executive Appropriations Committee when the office:

65 (a) determines that the amounts described in Subsection (1) exceed the amount needed for the purposes
described in Subsection (2)(a); and

67 (b) recommends the Legislature reduce one or both of the amounts described in Subsection (1).

69 Section 2. Section 2 is enacted to read:

70 CHAPTER 32. Firefighter Cancer Benefit Trust Fund

71 Part 1. General Provisions

72 **53-32-101. Definitions.**

74 As used in this chapter:

74 (1) "Board" means the Firefighter Cancer Benefit Trust Fund Board of Trustees created in Section
53-32-202.

76 (2) "Firefighter" means the same as that term is defined in Section 34A-3-101.

77 (3) "Presumptive cancer" means the same as that term is defined in Section 34A-3-101.

78 (4) "Rocky Mountain Center for Occupational and Environmental Health" means the same as that term
is defined in Section 34A-3-101.

80 Section 3. Section 3 is enacted to read:

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Part 2. Firefighter Cancer Benefit Trust Fund

53-32-201. Firefighter Cancer Benefit Trust Fund.

(1) There is created a private purpose trust fund entitled the "Firefighter Cancer Benefit Trust Fund."

(2) The trust fund consists of:

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

(b) private donations and grants; and

(c) other revenue received from other sources.

(3) The board:

(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)

(a) The trust fund shall earn interest.

(b) The trust fund's earned interest shall remain in the trust.

(5) The board may expend money from the trust fund for reasonable administrative costs that the board incurs for administering the trust fund.

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

(7) Creditors of the board 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 4 is enacted to read:

53-32-202. Firefighter Cancer Benefit Trust Fund Board of Trustees -- Quorum -- Establish rates -- Duties -- Reporting.

(1)

(a) There is created the Firefighter Cancer Benefit Trust Fund Board of Trustees composed of 11 members.

(b) The president of the Senate shall appoint four individuals to the board as follows:

(i) one senator;

(ii) one fire chief representing a department in a county of the first or second class;

(iii) one fire chief representing a department in a county of the third through sixth class; and

(iv) one fire chief representing a department whose members are majority volunteers.

(c) The speaker of the House of Representatives shall appoint four individuals to the board.

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114 (i) one representative;
115 (ii) two firefighters who possess a rank of captain or below; and
116 (iii) one individual with professional investment experience.
117 (d) The governor shall appoint three individuals to the board as follows:
118 (i) one licensed physician or surgeon with professional expertise in oncology or occupational medicine
 who is not currently employed by the Rocky Mountain Center for Occupational and Environmental
 Health; and
121 (ii) two members who are either an elected municipal official or a city manager.
122 (2)
123 (a) The department shall determine the term length for the members by rule made in accordance with
 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
124 (b) The department shall adjust terms at appointment or reappointment to stagger terms so that
 approximately half of the members' terms expire on the same day.
125 (3) When a vacancy occurs on the board, a replacement shall be appointed for the remainder of the
 term.
126 (4) The board shall elect annually one of the board members as the chair.
127 (5)
128 (a) Six members of the board make a quorum.
129 (b) If a quorum is present when the board takes a vote, the affirmative vote of a majority of the board
 members present is the act of the board.
130 (6) The board shall ensure that assets of the trust fund are dedicated to providing support and benefits to
 covered firefighters and covered firefighter's beneficiaries, in accordance with this chapter and rules
 the board makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
131 (6)(7) A member may not receive compensation or benefits for the member's service, but may receive
 per diem and travel expenses in accordance with:
132 (a) Section 63A-3-106;
133 (b) Section 63A-3-107; and
134 (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
135 (7)(8)
136 (a) The department shall staff the board of trustees.
137 (b) The department shall provide accounting services for the trust fund.

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140 (8)(9) The board shall:

141 (a) study mechanisms for disbursement of the trust funds that are designed to:

142 (i) reduce workers' compensation premiums for policies covering firefighters; and

143 (ii) provide funding for a firefighter diagnosed with a presumptive cancer before a workers'
compensation claim is processed;

145 (b) consult with stakeholders representing firefighters, fire departments, and insurers that issue workers'
compensation policies; and

147 (c) review mechanisms proposed and implemented in other states for the disbursement of the trust
funds.

149 (9)(10) Before December 1, 2027, the board shall prepare and submit recommendations to the
Executive Appropriations Committee.

155 Section 5. Section **59-9-101** is amended to read:

59-9-101. Tax basis -- Rates -- Exemptions -- Rate reductions.

153 (1)

155 (a) Except as provided in Subsection (1)(b), (1)(d), or (5), an admitted insurer shall pay to the
commission on or before March 31 in each year, a tax of 2.25% of the total premiums received
by admitted insurer during the preceding calendar year from insurance covering property or risks
located in this state.

157 (b) This Subsection (1) does not apply to:

158 (i) workers' compensation insurance, assessed under Subsection (2);

159 (ii) title insurance premiums taxed under Subsection (3);

160 (iii) annuity considerations;

161 (iv) insurance premiums paid by an institution within the state system of higher education as specified
in Section 53H-1-102; and

163 (v) ocean marine insurance.

164 (c) The taxable premium under this Subsection (1) shall be reduced by:

165 (i) the premiums returned or credited to policyholders on direct business subject to tax in this state;

167 (ii) the premiums received for reinsurance of property or risks located in this state; and

169 (iii) the dividends, including premium reduction benefits maturing within the year:

170 (A) paid or credited to policyholders in this state; or

171 (B) applied in abatement or reduction of premiums due during the preceding calendar year.

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173 (d)

174 (i) For purposes of this Subsection (1)(d):

174 (A) "Utah variable life insurance premium" means an insurance premium paid:

175 (I) by:

176 (Aa) a corporation; or

177 (Bb) a trust established or funded by a corporation; and

178 (II) for variable life insurance covering risks located within the state.

179 (B) "Variable life insurance" means an insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of one or more separate accounts that are established and maintained by the insurer [pursuant to] in accordance with Title 31A, Insurance Code.

184 (ii) Notwithstanding Subsection (1)(a), beginning on January 1, 2006, the tax on that portion of the total premiums subject to a tax under Subsection (1)(a) that is a Utah variable life insurance premium shall be calculated as follows:

187 (A) 2.25% of the first \$100,000 of Utah variable life insurance premiums:

188 (I) paid for each variable life insurance policy; and

189 (II) received by the admitted insurer in the preceding calendar year; and

190 (B) .08% of the Utah variable life insurance premiums that exceed \$100,000:

191 (I) paid for the policy described in Subsection (1)(d)(ii)(A); and

192 (II) received by the admitted insurer in the preceding calendar year.

193 (2)

194 (a) An admitted insurer writing workers' compensation insurance in this state shall pay to the tax commission, on or before March 31 in each year, a premium assessment on the basis of the total workers' compensation premium income received by the insurer from workers' compensation insurance in this state during the preceding calendar year as follows:

195 (i) on or before December 31, 2010, an amount of equal to or greater than 1%, but equal to or less than 5.75% of the total workers' compensation premium income described in this Subsection (2);

196 (ii) on and after January 1, 2011, but on or before December 31, 2022, an amount of equal to or greater than 1%, but equal to or less than 4.25% of the total workers' compensation premium income described in this Subsection (2); and

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204 (iii) on and after January 1, 2023, an amount equal to 1.25% of the total workers' compensation
205 premium income described in this Subsection (2).

206 (b) Total workers' compensation premium income means the net written premium as calculated before
207 any premium reduction for any insured employer's deductible, retention, or reimbursement amounts
208 and also those amounts equivalent to premiums as provided in Section 34A-2-202.

210 (c) The percentage of premium assessment applicable for a calendar year shall be determined by the
211 Labor Commission under Subsection (2)(d). The total premium income shall be reduced in the
212 same manner as provided in Subsections (1)(c)(i) and (1)(c)(ii), but not as provided in Subsection
213 (1)(c)(iii). The commission shall promptly remit from the premium assessment collected under this
214 Subsection (2):

215 (i) income to the state treasurer for credit to the Employers' Reinsurance Fund created under Subsection
216 34A-2-702(1) as follows:

217 (A) on or before December 31, 2009, an amount of up to 5% of the total workers' compensation
218 premium income;

219 (B) on and after January 1, 2010, but on or before December 31, 2010, an amount of up to 4.5% of the
220 total workers' compensation premium income;

221 (C) on and after January 1, 2011, but on or before December 31, 2022, an amount of up to 3% of the
222 total workers' compensation premium income; and

223 (D) on and after January 1, 2023, 0% of the total workers' compensation premium income;

225 (ii) an amount equal to .25% of the total workers' compensation premium income to the state treasurer
226 for credit to the Workplace Safety Account created by Section 34A-2-701;

228 (iii) an amount of up to .5% and any remaining assessed percentage of the total workers' compensation
229 premium income to the state treasurer for credit to the Uninsured Employers' Fund created under
230 Section 34A-2-704; and

231 (iv) beginning on January 1, 2010, .5% of the total workers' compensation premium income to the state
232 treasurer for credit to the Industrial Accident Restricted Account created in Section 34A-2-705.

234 (d)

235 (i) The Labor Commission shall determine the amount of the premium assessment for each year
236 on or before each October 15 of the preceding year. The Labor Commission shall make
237 this determination following a public hearing. The determination shall be based upon the
238 recommendations of a qualified actuary.

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238 (ii) The actuary shall recommend a premium assessment rate sufficient to provide payments of benefits and expenses from the Employers' Reinsurance Fund and to project a funded condition with assets greater than liabilities by no later than June 30, 2025.

242 (iii) The actuary shall recommend a premium assessment rate sufficient to provide payments of benefits and expenses from the Uninsured Employers' Fund and to maintain it at a funded condition with assets equal to or greater than liabilities.

245 (iv) At the end of each fiscal year the minimum approximate assets in the Employers' Reinsurance Fund shall be \$5,000,000 which amount shall be adjusted each year beginning in 1990 by multiplying by the ratio that the total workers' compensation premium income for the preceding calendar year bears to the total workers' compensation premium income for the calendar year 1988.

250 (v) The requirements of Subsection (2)(d)(iv) cease when the future annual disbursements from the Employers' Reinsurance Fund are projected to be less than the calculations of the corresponding future minimum required assets. The Labor Commission shall, after a public hearing, determine if the future annual disbursements are less than the corresponding future minimum required assets from projections provided by the actuary.

256 (vi) At the end of each fiscal year the minimum approximate assets in the Uninsured Employers' Fund shall be \$2,000,000, which amount shall be adjusted each year beginning in 1990 by multiplying by the ratio that the total workers' compensation premium income for the preceding calendar year bears to the total workers' compensation premium income for the calendar year 1988.

261 (e) A premium assessment that is to be transferred into the General Fund may be collected on premiums received from Utah public agencies.

263 (3) An admitted insurer writing title insurance in this state shall pay to the commission, on or before March 31 in each year, a tax of .45% of the total premium received by either the insurer or by its agents during the preceding calendar year from title insurance concerning property located in this state. In calculating this tax, "premium" includes the charges made to an insured under or to an applicant for a policy or contract of title insurance for:

269 (a) the assumption by the title insurer of the risks assumed by the issuance of the policy or contract of title insurance; and

271 (b) abstracting title, title searching, examining title, or determining the insurability of title, and every other activity, exclusive of escrow, settlement, or closing charges, whether denominated premium

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or otherwise, made by a title insurer, an agent of a title insurer, a title insurance producer, or any of them.

275 (4) Beginning July 1, 1986, a former county mutual and a former mutual benefit association shall pay the premium tax or assessment due under this chapter. Premiums received after July 1, 1986, shall be considered in determining the tax or assessment.

278 (5) The following insurers are not subject to the premium tax on health care insurance that would otherwise be applicable under Subsection (1):

280 (a) an insurer licensed under Title 31A, Chapter 5, Domestic Stock and Mutual Insurance Corporations;
282 (b) an insurer licensed under Title 31A, Chapter 7, Nonprofit Health Service Insurance Corporations;
284 (c) an insurer licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans;

286 (d) an insurer licensed under Title 31A, Chapter 9, Insurance Fraternals;

287 (e) an insurer licensed under Title 31A, Chapter 11, Motor Clubs; and

288 (f) an insurer licensed under Title 31A, Chapter 14, Foreign Insurers.

289 (6)

290 (a) As used in this Subsection (6):

292 (i) "Cancellation fee waiver" means the same as that term is defined in Section 31A-23a-902.

294 (ii) "Primary certificate holder" means an individual who elects and purchases travel insurance under a group policy.

296 (iii) "Primary policyholder" means an individual who elects and purchases individual travel insurance.

298 (iv) "Travel assistance service" means the same as that term is defined in Section 31A-23a-902.

300 (v) "Travel insurance" means the same as that term is defined in Section 31A-23a-902.

302 (b) A travel insurer shall:

304 (i) pay a premium tax required under Subsection (1) on a travel insurance premium that:

306 (A) an individual primary policyholder pays, if the policyholder is a resident of this state;

(B) a primary certificate holder pays, if the certificate holder is a resident of this state and elects coverage under a group travel insurance policy; or

(C) subject to any apportionment rules that apply to the insurer across multiple taxing jurisdictions or permit the insurer to allocate the premium on an apportioned basis in a reasonable and equitable manner across multiple jurisdictions, a blanket travel insurance policyholder pays for eligible

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blanket group members, if the policyholder is a resident in this state, has the policyholder's principal place of business in this state, or has the principal place of business of an affiliate or subsidiary that has purchased blanket travel insurance in this state;

314 (ii) document the state of residence or principal place of business of each policyholder and certificate holder; and

316 (iii) report as a premium only the amount allocable to travel insurance and not an amount received for:

318 (A) a cancellation fee waiver; or

319 (B) a travel assistance service.

320 (7) A captive insurer, as provided in Section 31A-3-304, that pays a fee imposed under Section 31A-3-304 is not subject to the premium tax under this section.

322 (8) An insurer issuing multiple policies to an insured may not artificially allocate the premiums among the policies for purposes of reducing the aggregate premium tax or assessment applicable to the policies.

325 (9) The retaliatory provisions of Title 31A, Chapter 3, Department Funding, Fees, and Taxes, apply to the tax or assessment imposed under this chapter.

327 (10)

(a) {Beginning} Subject to Section 49-11-901.5, beginning fiscal year 2027, the Division of Finance shall annually transfer net revenue into the Firefighter Cancer Benefit Trust Fund created in Section 53-32-201 {the total revenue collected from the taxes levied under this section} .

330 (b) The Division of Finance shall reduce the annual transfer into the Firefighter Cancer Benefit Trust Fund as needed to keep the actuarial funded ratio of the Firefighters' Retirement System created in Section 49-16-103 maintained at 110%.

337 Section 6. Repeater.

This Bill Repeals:

338 This bill repeals:

339 Section **49-11-902, Premium tax revenues -- Formula -- Deposits.**

340 Section **49-11-903, State appropriation funding offset -- Proportionate share determination and reporting.**

342 Section 7. Effective date.

Effective Date.

This bill takes effect on {May 6,} July 1, 2026.

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