HB0416S04 compared with HB0416

{~~Omitted text~~} shows text that was in HB0416 but was omitted in HB0416S04
inserted text shows text that was not in HB0416 but was inserted into HB0416S04

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Firefighter Cancer Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor:Scott D. Sandall

LONG TITLE

General Description:

This bill creates the Firefighter Cancer Benefit Trust Fund.

Highlighted Provisions:

This bill:

- defines terms;
- changes the amount of revenue transferred to the Utah State Retirement Office from the insurance premiums tax and used to pay for certain firefighter retirement programs;
- creates the Firefighter Cancer Benefit Trust Fund(trust fund);
- creates a board of trustees; {~~and~~}
- establishes the duties of the board of trustees{~~.~~} ;
- **provides funding for the cancer screening program; and**
- **provides funding for the trust fund.**

Money Appropriated in this Bill:

None

Other Special Clauses:

HB0416

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

53H-4-705 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

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

ENACTS:

53-32-101 , Utah Code Annotated 1953

53-32-201 , Utah Code Annotated 1953

53-32-202 , Utah Code Annotated 1953

REPEALS:

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

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

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

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

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

(1)

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

[~~(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

[~~(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.

[~~(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.~~]

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

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

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

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

(2)

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

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

(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.

(b) The office shall annually determine the amount distributed for each purpose under Subsection (2)(a), including, for the distribution under Subsection (2)(a)(i), the apportionment between Divisions A and B as defined in Section 49-16-301.

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

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

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

Section 2. Section **2** is enacted to read:

53-32-101. Definitions.

32. Firefighter Cancer Benefit Trust Fund

1. General Provisions

As used in this chapter:

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

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

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

(4) "Program" means the statewide fire and rescue training program described in Section 53H-4-705.

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

Section 3. Section **3** is enacted to read:

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

2. 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 boardshall:

(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 as follows:

(i) one representative;

(ii) two firefighters who possess a rank of captain or below; and

(iii) one individual with professional investment experience.

(d) The governor shall appoint three individuals to the board as follows:

(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

(ii) two members who are either an elected municipal official or a city manager.

(2)

{(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.}~~ }

(a) Each member shall serve a term of two years and may be reappointed for successive terms.

(b) {~~The department~~ } After two years from the initial appointments, the appointing authority shall {~~adjust terms at appointment or reappointment to~~ } stagger {~~terms~~ } appointing board members so that {~~approximately half~~ } no more than one-half of the members{~~'~~ } terms expire {~~on~~ } in the same {~~day~~} year.

(3) When a vacancy occurs on the board, a replacement shall be appointed for the remainder of the term.

(4) The board shall elect annually one of the board members as the chair.

(5)

(a) Six members of the board make a quorum.

(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.

(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.

(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:

(a) Section 63A-3-106;

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

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

(7){(8)}

(a) The {~~department~~ } program shall staff the board {~~of trustees~~} .

(b) The {~~department~~ } program shall provide accounting services for the trust fund.

(8){(9)} The board shall:

(a) study:

(i) cancer incidence rates;

(ii) cancer incidence trust award levels;

(iii) funding mechanisms for the trust, including potential employer contributions; and

(a){(iv)} {~~study~~ } mechanisms for disbursement of the trust funds that are designed to:

(i){(A)} reduce workers' compensation premiums for policies covering firefighters; and

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

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

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

(9){(10)} Before December 1, {~~2027~~} 2026, the board shall prepare and submit recommendations based on the study and consultation the board performs in accordance with Subsection (9), to the Executive Appropriations Committee.

Section 5. Section **53H-4-705** is amended to read:

53H-4-705. Fire prevention, education, and training program.

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

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

(i) Utah Valley University students; and

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

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

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

(d) provides training to students, firefighters, and emergency rescue personnel on how to conduct public education programs to promote fire safety;

(e) provides aircraft rescue firefighting training;

(f) provides for certification of firefighters, pump operators, instructors, officers, and rescue personnel; and

(g) provides facilities and props for teaching firefighting and emergency rescue skills.

(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.

(3) Utah Valley University and the fire board shall consult together regarding:

(a) the development and content of the curriculum and training of the fire and rescue training program;

(b) the identification of individuals who may participate in the fire and rescue training program without cost; and

(c) the establishment of certification standards and requirements.

(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.

(5) Utah Valley University and the fire board shall by contract establish terms to:

(a) define the scope and content of the fire and rescue training program;

(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

(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.

(6) In accordance with Section 34A-3-114, the fire and rescue training program shall:

(a) obtain and utilize a record keeping system for the cancer screening program;

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

[~~(b)~~] (c) track cancer screenings for a firefighter.

(7) In accordance with Section 53-32-202, the fire and rescue training program shall:

(a) provide staff for the board created in Section 53-32-202; and

(b) provide accounting services for the trust fund created in Section 53-32-201.

Section 6. Section **59-9-101** is amended to read:

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

(1)

(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.

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

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

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

(iii) annuity considerations;

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

(v) ocean marine insurance.

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

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

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

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

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

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

(d)

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

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

(I) by:

(Aa) a corporation; or

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

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

(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.

(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:

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

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

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

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

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

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

(2)

(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:

(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);

(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

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

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

(c) The percentage of premium assessment applicable for a calendar year shall be determined by the Labor Commission under Subsection (2)(d). The total premium income shall be reduced in the same manner as provided in Subsections (1)(c)(i) and (1)(c)(ii), but not as provided in Subsection

(1)(c)(iii). The commission shall promptly remit from the premium assessment collected under this Subsection (2):

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

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

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

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

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

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

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

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

(d)

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

(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.

(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.

(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.

(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.

(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.

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

(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:

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

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

(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.

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

(a) an insurer licensed under Title 31A, Chapter 5, Domestic Stock and Mutual Insurance Corporations;

(b) an insurer licensed under Title 31A, Chapter 7, Nonprofit Health Service Insurance Corporations;

(c) an insurer licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans;

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

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

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

(6)

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

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

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

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

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

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

(b) A travel insurer shall:

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

(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 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;

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

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

(A) a cancellation fee waiver; or

(B) a travel assistance service.

(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.

(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.

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

(10)

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

(a) As used in this Subsection (10):

(b){(i)} {~~The Division of Finance shall reduce the annual transfer into~~ } "Diverted revenue" means revenue collected from taxes levied under this section that is not paid into or does not remain in the {~~Firefighter Cancer Benefit Trust~~ } General Fund {~~as needed to keep the actuarial funded ratio~~ } because of {~~the Firefighters' Retirement System created~~ } a statutory provision requiring the revenue to be paid or distributed as provided in {~~Section 49-16-103 maintained at 110%.~~} that statutory provision.

(ii) "Net revenue" means the total revenue collected from taxes levied under this section, excluding diverted revenue.

(b) For fiscal year 2027 and for fiscal year 2028, the Division of Finance shall transfer $3,700,000 of the revenue collected from taxes levied under this section to the Utah Valley University - Special Projects, Fire and Rescue Training, for the cancer screening program described in Section 34A-3-114.

(c) Beginning fiscal year 2027, the Division of Finance shall transfer $250,000 of the revenue collected from taxes levied under this section to the Utah Valley University - Special Projects, Fire and Rescue Training, for the record keeping system for the cancer screening program described in Section 53H-4-705.

(d) Beginning fiscal year 2027, the Division of Finance shall transfer on an annual basis the net revenue into the Firefighter Cancer Benefit Trust Fund created in Section 53-32-201.

Section 7. **Repealer.**

This Bill Repeals:

This bill repeals:

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

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

Section 8. **Effective date.**

Effective Date.

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

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