

Firefighter Cancer Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor:

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;
- creates a board of trustees; and
- establishes the duties of the board of trustees.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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:

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

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

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

35 [(i)] (a) [50% of] the first \$4,000,000 collected from the annual tax levied, assessed, and
36 collected under Title 59, Chapter 9, Taxation of Admitted Insurers, upon premiums
37 for property insurance, as defined under Section 31A-1-301, and as applied to fire
38 and allied lines insurance collected by insurance companies within the state; and
39 [(ii)] (b) [10% of all money assessed and] the first \$1,000,000 collected under Title 59,
40 Chapter 9, Taxation of Admitted Insurers, upon premiums for life insurance, as
41 defined in Section 31A-1-301, within the state.

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

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

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

48 [(b) an amount determined by the office to the Firefighters' Retirement Trust Fund
49 created under Section 49-16-104 equal to the amount when calculated as a percentage
50 of the certified contribution rate for members in Divisions A and B, as defined under
51 Section 49-16-301, that is the percentage of the certified contribution rate paid to the
52 Firefighters' Retirement Trust Fund on July 1, 2004; and]

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

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

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

57 (ii) the Firefighters' Retirement Trust Fund created in Section 49-16-104 until the
58 actuarial funded ratio of the Firefighters' Retirement System created in Section
59 49-16-103 reaches and can be maintained at 110%, as determined by the board's
60 actuary using assumptions adopted by the board.

61 (b) The office shall annually determine the amount distributed for each purpose under
62 Subsection (2)(a), including, for the distribution under Subsection (2)(a)(i), the
63 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
66 for the purposes described in Subsection (2)(a); and
67 (b) recommends the Legislature reduce one or both of the amounts described in
68 Subsection (1).

69 Section 2. Section **53-32-101** is enacted to read:

70 **CHAPTER 32. Firefighter Cancer Benefit Trust Fund**

71 **Part 1. General Provisions**

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

73 As used in this chapter:

74 (1) "Board" means the Firefighter Cancer Benefit Trust Fund Board of Trustees created in
75 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
79 as that term is defined in Section 34A-3-101.

80 Section 3. Section **53-32-201** is enacted to read:

81 **Part 2. Firefighter Cancer Benefit Trust Fund**

82 **53-32-201 . Firefighter Cancer Benefit Trust Fund.**

83 (1) There is created a private purpose trust fund entitled the "Firefighter Cancer Benefit
84 Trust Fund."
85 (2) The trust fund consists of:
86 (a) appropriations made to the fund by the Legislature, if any;
87 (b) private donations and grants; and
88 (c) other revenue received from other sources.
89 (3) The board:
90 (a) shall account for the receipt and expenditures of trust fund money; or
91 (b) may enter into contract with a third-party administrator to administer the fund and
92 account for the receipt and expenditure of trust fund money.
93 (4)(a) The trust fund shall earn interest.
94 (b) The trust fund's earned interest shall remain in the trust.
95 (5) The board may expend money from the trust fund for reasonable administrative costs
96 that the board incurs for administering the trust fund.
97 (6) Assets of the trust fund are dedicated for the purposes established by statute and

98 administrative rule.

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

101 Section 4. Section **53-32-202** is enacted to read:

102 **53-32-202 . Firefighter Cancer Benefit Trust Fund Board of Trustees -- Quorum**
103 **-- Establish rates -- Duties -- Reporting.**

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

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

107 (i) one senator;

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

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

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

112 (c) The speaker of the House of Representatives shall appoint four individuals to the
113 board as follows:

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
119 occupational medicine who is not currently employed by the Rocky Mountain
120 Center for Occupational and Environmental Health; and

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

122 (2)(a) The department shall determine the term length for the members by rule made in
123 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

124 (b) The department shall adjust terms at appointment or reappointment to stagger terms
125 so that approximately half of the members' terms expire on the same day.

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

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

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

130 (b) If a quorum is present when the board takes a vote, the affirmative vote of a majority
131 of the board members present is the act of the board.

132 (6) A member may not receive compensation or benefits for the member's service, but may
133 receive per diem and travel expenses in accordance with:
134 (a) Section 63A-3-106;
135 (b) Section 63A-3-107; and
136 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
137 63A-3-107.

138 (7)(a) The department shall staff the board of trustees.

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

140 (8) 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
144 workers' compensation claim is processed;

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

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

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

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

152 **59-9-101 . Tax basis -- Rates -- Exemptions -- Rate reductions.**

153 (1)(a) Except as provided in Subsection (1)(b), (1)(d), or (5), an admitted insurer shall
154 pay to the commission on or before March 31 in each year, a tax of 2.25% of the total
155 premiums received by admitted insurer during the preceding calendar year from
156 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
162 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

166 tax in this state;

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

168 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
172 calendar year.

173 (d)(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
180 insurance, the amount or duration of which varies according to the investment
181 experience of one or more separate accounts that are established and
182 maintained by the insurer ~~[pursuant to]~~ in accordance with Title 31A,
183 Insurance Code.

184 (ii) Notwithstanding Subsection (1)(a), beginning on January 1, 2006, the tax on that
185 portion of the total premiums subject to a tax under Subsection (1)(a) that is a
186 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)(a) An admitted insurer writing workers' compensation insurance in this state shall

194 pay to the tax commission, on or before March 31 in each year, a premium

195 assessment on the basis of the total workers' compensation premium income received

196 by the insurer from workers' compensation insurance in this state during the

197 preceding calendar year as follows:

198 (i) on or before December 31, 2010, an amount of equal to or greater than 1%, but

199 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.

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

238 (ii) The actuary shall recommend a premium assessment rate sufficient to provide
239 payments of benefits and expenses from the Employers' Reinsurance Fund and to
240 project a funded condition with assets greater than liabilities by no later than June
241 30, 2025.

242 (iii) The actuary shall recommend a premium assessment rate sufficient to provide
243 payments of benefits and expenses from the Uninsured Employers' Fund and to
244 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'
246 Reinsurance Fund shall be \$5,000,000 which amount shall be adjusted each year
247 beginning in 1990 by multiplying by the ratio that the total workers' compensation
248 premium income for the preceding calendar year bears to the total workers'
249 compensation premium income for the calendar year 1988.

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

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

261 (e) A premium assessment that is to be transferred into the General Fund may be
262 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
264 or before March 31 in each year, a tax of .45% of the total premium received by either
265 the insurer or by its agents during the preceding calendar year from title insurance
266 concerning property located in this state. In calculating this tax, "premium" includes the
267 charges made to an insured under or to an applicant for a policy or contract of title

268 insurance for:

269 (a) the assumption by the title insurer of the risks assumed by the issuance of the policy
270 or contract of title insurance; and
271 (b) abstracting title, title searching, examining title, or determining the insurability of
272 title, and every other activity, exclusive of escrow, settlement, or closing charges,
273 whether denominated premium or otherwise, made by a title insurer, an agent of a
274 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
276 shall pay the premium tax or assessment due under this chapter. Premiums received
277 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
279 would otherwise be applicable under Subsection (1):

280 (a) an insurer licensed under Title 31A, Chapter 5, Domestic Stock and Mutual
281 Insurance Corporations;
282 (b) an insurer licensed under Title 31A, Chapter 7, Nonprofit Health Service Insurance
283 Corporations;
284 (c) an insurer licensed under Title 31A, Chapter 8, Health Maintenance Organizations
285 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)(a) As used in this Subsection (6):

290 (i) "Cancellation fee waiver" means the same as that term is defined in Section
291 31A-23a-902.
292 (ii) "Primary certificate holder" means an individual who elects and purchases travel
293 insurance under a group policy.
294 (iii) "Primary policyholder" means an individual who elects and purchases individual
295 travel insurance.
296 (iv) "Travel assistance service" means the same as that term is defined in Section
297 31A-23a-902.
298 (v) "Travel insurance" means the same as that term is defined in Section 31A-23a-902.

299 (b) A travel insurer shall:

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

302 (A) an individual primary policyholder pays, if the policyholder is a resident of
303 this state;
304 (B) a primary certificate holder pays, if the certificate holder is a resident of this
305 state and elects coverage under a group travel insurance policy; or
306 (C) subject to any apportionment rules that apply to the insurer across multiple
307 taxing jurisdictions or permit the insurer to allocate the premium on an
308 apportioned basis in a reasonable and equitable manner across multiple
309 jurisdictions, a blanket travel insurance policyholder pays for eligible blanket
310 group members, if the policyholder is a resident in this state, has the
311 policyholder's principal place of business in this state, or has the principal place
312 of business of an affiliate or subsidiary that has purchased blanket travel
313 insurance in this state;

314 (ii) document the state of residence or principal place of business of each
315 policyholder and certificate holder; and
316 (iii) report as a premium only the amount allocable to travel insurance and not an
317 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
321 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
323 premiums among the policies for purposes of reducing the aggregate premium tax or
324 assessment applicable to the policies.
325 (9) The retaliatory provisions of Title 31A, Chapter 3, Department Funding, Fees, and Taxes,
326 apply to the tax or assessment imposed under this chapter.

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

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

333 **Section 6. Repeater.**

334 This bill repeals:

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

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

338 Section 7. **Effective Date.**

339 This bill takes effect on May 6, 2026.