

Jordan D. Teuscher proposes the following substitute bill:

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;
- 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:

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

29 **53-32-202**, Utah Code Annotated 1953

30 REPEALS:

31 **49-11-902**, as last amended by Laws of Utah 2011, Chapters 290, 439

32 **49-11-903**, as last amended by Laws of Utah 2022, Chapter 451

33

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

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

36 **49-11-901.5 . Premium tax revenues -- Distribution.**

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

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

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

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

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

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

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

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

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

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

61 (ii) the Firefighters' Retirement Trust Fund created in Section 49-16-104 until the
62 actuarial funded ratio of the Firefighters' Retirement System created in Section

63 49-16-103 reaches and can be maintained at 110%, as determined by the board's
 64 actuary using assumptions adopted by the board.

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

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

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

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

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

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

75 **Part 1. General Provisions**

76 **53-32-101 . Definitions.**

77 As used in this chapter:

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

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

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

82 (4) "Program" means the statewide fire and rescue training program described in Section
 83 53H-4-705.

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

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

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

88 **53-32-201 . Firefighter Cancer Benefit Trust Fund.**

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

91 (2) The trust fund consists of:

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

93 (b) private donations and grants; and

94 (c) other revenue received from other sources.

95 (3) The board shall:

- 96 (a) account for the receipt and expenditures of trust fund money; or
97 (b) enter into contract with a third-party administrator to administer the fund and
98 account for the receipt and expenditure of trust fund money.
- 99 (4)(a) The trust fund shall earn interest.
100 (b) The trust fund's earned interest shall remain in the trust.
- 101 (5) The board may expend money from the trust fund for reasonable administrative costs
102 that the board incurs for administering the trust fund.
- 103 (6) Assets of the trust fund are dedicated for the purposes established by statute and
104 administrative rule.
- 105 (7) Creditors of the board and of employers liable for the benefits paid under this chapter
106 may not seize, attach, or otherwise obtain assets of the trust fund.

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

108 **53-32-202 . Firefighter Cancer Benefit Trust Fund Board of Trustees -- Quorum**
109 **-- Establish rates -- Duties -- Reporting.**

- 110 (1)(a) There is created the Firefighter Cancer Benefit Trust Fund Board of Trustees
111 composed of 11 members.
- 112 (b) The president of the Senate shall appoint four individuals to the board as follows:
113 (i) one senator;
114 (ii) one fire chief representing a department in a county of the first or second class;
115 (iii) one fire chief representing a department in a county of the third through sixth
116 class; and
117 (iv) one fire chief representing a department whose members are majority volunteers.
- 118 (c) The speaker of the House of Representatives shall appoint four individuals to the
119 board as follows:
120 (i) one representative;
121 (ii) two firefighters who possess a rank of captain or below; and
122 (iii) one individual with professional investment experience.
- 123 (d) The governor shall appoint three individuals to the board as follows:
124 (i) one licensed physician or surgeon with professional expertise in oncology or
125 occupational medicine who is not currently employed by the Rocky Mountain
126 Center for Occupational and Environmental Health; and
127 (ii) two members who are either an elected municipal official or a city manager.
- 128 (2)(a) Each member shall serve a term of two years and may be reappointed for
129 successive terms.

- 130 **(b)** After two years from the initial appointments, the appointing authority shall stagger
131 appointing board members so that no more than one-half of the members terms
132 expire in the same year.
- 133 **(3)** When a vacancy occurs on the board, a replacement shall be appointed for the
134 remainder of the term.
- 135 **(4)** The board shall elect annually one of the board members as the chair.
- 136 **(5)(a)** Six members of the board make a quorum.
- 137 **(b)** If a quorum is present when the board takes a vote, the affirmative vote of a majority
138 of the board members present is the act of the board.
- 139 **(6)** The board shall ensure that assets of the trust fund are dedicated to providing support
140 and benefits to covered firefighters and covered firefighter's beneficiaries, in accordance
141 with this chapter and rules the board makes in accordance with Title 63G, Chapter 3,
142 Utah Administrative Rulemaking Act.
- 143 **(7)** A member may not receive compensation or benefits for the member's service, but may
144 receive per diem and travel expenses in accordance with:
- 145 **(a)** Section 63A-3-106;
146 **(b)** Section 63A-3-107; and
147 **(c)** rules made by the Division of Finance according to Sections 63A-3-106 and
148 63A-3-107.
- 149 **(8)(a)** The program shall staff the board.
- 150 **(b)** The program shall provide accounting services for the trust fund.
- 151 **(9)** The board shall:
- 152 **(a)** study:
- 153 **(i)** cancer incidence rates;
154 **(ii)** cancer incidence trust award levels;
155 **(iii)** funding mechanisms for the trust, including potential employer contributions;
156 **(iv)** mechanisms for disbursement of the trust funds that are designed to:
157 **(A)** reduce workers' compensation premiums for policies covering firefighters; and
158 **(B)** provide funding for a firefighter diagnosed with a presumptive cancer before a
159 workers' compensation claim is processed; and
160 **(v)** coordinate benefits between the trust and the workers' compensation system,
161 including whether and how to limit double recovery;
- 162 **(b)** consult with stakeholders representing firefighters, fire departments, and insurers that
163 issue workers' compensation policies; and

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

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

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

170 **53H-4-705 . Fire prevention, education, and training program.**

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

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

174 (i) Utah Valley University students; and

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

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

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

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

181 (e) provides aircraft rescue firefighting training;

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

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

185 (2) Utah Valley University shall ensure that the curriculum, training, and facilities offered
186 in the fire and rescue training program are sufficient to allow individuals who
187 successfully complete the program to receive applicable certification as a firefighter or
188 emergency rescue professional.

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

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

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

194 (c) the establishment of certification standards and requirements.

195 (4) Utah Valley University shall allow individuals designated by the fire board to
196 participate in and complete the fire and rescue training program without cost and to
197 receive applicable certification.

- 198 (5) Utah Valley University and the fire board shall by contract establish terms to:
- 199 (a) define the scope and content of the fire and rescue training program;
- 200 (b) identify the fire and rescue personnel throughout the state who will be permitted to
- 201 participate in the fire and rescue training program without cost; and
- 202 (c) define other aspects of the relationship between Utah Valley University and the fire
- 203 board relating to the fire and rescue training program that are mutually beneficial.
- 204 (6) In accordance with Section 34A-3-114, the fire and rescue training program shall:
- 205 (a) obtain and utilize a record keeping system for the cancer screening program;
- 206 (b) facilitate cancer screenings conducted by the Rocky Mountain Center for
- 207 Occupational and Environmental Health; and
- 208 ~~[(b)]~~ (c) track cancer screenings for a firefighter.
- 209 (7) In accordance with Section 53-32-202, the fire and rescue training program shall:
- 210 (a) provide staff for the board created in Section 53-32-202; and
- 211 (b) provide accounting services for the trust fund created in Section 53-32-201.
- 212 Section 6. Section **59-9-101** is amended to read:
- 213 **59-9-101 . Tax basis -- Rates -- Exemptions -- Rate reductions.**
- 214 (1)(a) Except as provided in Subsection (1)(b), (1)(d), or (5), an admitted insurer shall
- 215 pay to the commission on or before March 31 in each year, a tax of 2.25% of the total
- 216 premiums received by admitted insurer during the preceding calendar year from
- 217 insurance covering property or risks located in this state.
- 218 (b) This Subsection (1) does not apply to:
- 219 (i) workers' compensation insurance, assessed under Subsection (2);
- 220 (ii) title insurance premiums taxed under Subsection (3);
- 221 (iii) annuity considerations;
- 222 (iv) insurance premiums paid by an institution within the state system of higher
- 223 education as specified in Section 53H-1-102; and
- 224 (v) ocean marine insurance.
- 225 (c) The taxable premium under this Subsection (1) shall be reduced by:
- 226 (i) the premiums returned or credited to policyholders on direct business subject to
- 227 tax in this state;
- 228 (ii) the premiums received for reinsurance of property or risks located in this state;
- 229 and
- 230 (iii) the dividends, including premium reduction benefits maturing within the year:
- 231 (A) paid or credited to policyholders in this state; or

- 232 (B) applied in abatement or reduction of premiums due during the preceding
233 calendar year.
- 234 (d)(i) For purposes of this Subsection (1)(d):
- 235 (A) "Utah variable life insurance premium" means an insurance premium paid:
236 (I) by:
237 (Aa) a corporation; or
238 (Bb) a trust established or funded by a corporation; and
239 (II) for variable life insurance covering risks located within the state.
- 240 (B) "Variable life insurance" means an insurance policy that provides for life
241 insurance, the amount or duration of which varies according to the investment
242 experience of one or more separate accounts that are established and
243 maintained by the insurer [~~pursuant to~~] in accordance with Title 31A, Insurance
244 Code.
- 245 (ii) Notwithstanding Subsection (1)(a), beginning on January 1, 2006, the tax on that
246 portion of the total premiums subject to a tax under Subsection (1)(a) that is a
247 Utah variable life insurance premium shall be calculated as follows:
- 248 (A) 2.25% of the first \$100,000 of Utah variable life insurance premiums:
249 (I) paid for each variable life insurance policy; and
250 (II) received by the admitted insurer in the preceding calendar year; and
251 (B) .08% of the Utah variable life insurance premiums that exceed \$100,000:
252 (I) paid for the policy described in Subsection (1)(d)(ii)(A); and
253 (II) received by the admitted insurer in the preceding calendar year.
- 254 (2)(a) An admitted insurer writing workers' compensation insurance in this state shall
255 pay to the tax commission, on or before March 31 in each year, a premium
256 assessment on the basis of the total workers' compensation premium income received
257 by the insurer from workers' compensation insurance in this state during the
258 preceding calendar year as follows:
- 259 (i) on or before December 31, 2010, an amount of equal to or greater than 1%, but
260 equal to or less than 5.75% of the total workers' compensation premium income
261 described in this Subsection (2);
- 262 (ii) on and after January 1, 2011, but on or before December 31, 2022, an amount of
263 equal to or greater than 1%, but equal to or less than 4.25% of the total workers'
264 compensation premium income described in this Subsection (2); and
265 (iii) on and after January 1, 2023, an amount equal to 1.25% of the total workers'

- 266 compensation premium income described in this Subsection (2).
- 267 (b) Total workers' compensation premium income means the net written premium as
268 calculated before any premium reduction for any insured employer's deductible,
269 retention, or reimbursement amounts and also those amounts equivalent to premiums
270 as provided in Section 34A-2-202.
- 271 (c) The percentage of premium assessment applicable for a calendar year shall be
272 determined by the Labor Commission under Subsection (2)(d). The total premium
273 income shall be reduced in the same manner as provided in Subsections (1)(c)(i) and
274 (1)(c)(ii), but not as provided in Subsection (1)(c)(iii). The commission shall
275 promptly remit from the premium assessment collected under this Subsection (2):
- 276 (i) income to the state treasurer for credit to the Employers' Reinsurance Fund created
277 under Subsection 34A-2-702(1) as follows:
- 278 (A) on or before December 31, 2009, an amount of up to 5% of the total workers'
279 compensation premium income;
- 280 (B) on and after January 1, 2010, but on or before December 31, 2010, an amount
281 of up to 4.5% of the total workers' compensation premium income;
- 282 (C) on and after January 1, 2011, but on or before December 31, 2022, an amount
283 of up to 3% of the total workers' compensation premium income; and
- 284 (D) on and after January 1, 2023, 0% of the total workers' compensation premium
285 income;
- 286 (ii) an amount equal to .25% of the total workers' compensation premium income to
287 the state treasurer for credit to the Workplace Safety Account created by Section
288 34A-2-701;
- 289 (iii) an amount of up to .5% and any remaining assessed percentage of the total
290 workers' compensation premium income to the state treasurer for credit to the
291 Uninsured Employers' Fund created under Section 34A-2-704; and
- 292 (iv) beginning on January 1, 2010, .5% of the total workers' compensation premium
293 income to the state treasurer for credit to the Industrial Accident Restricted
294 Account created in Section 34A-2-705.
- 295 (d)(i) The Labor Commission shall determine the amount of the premium assessment
296 for each year on or before each October 15 of the preceding year. The Labor
297 Commission shall make this determination following a public hearing. The
298 determination shall be based upon the recommendations of a qualified actuary.
- 299 (ii) The actuary shall recommend a premium assessment rate sufficient to provide

300 payments of benefits and expenses from the Employers' Reinsurance Fund and to
301 project a funded condition with assets greater than liabilities by no later than June
302 30, 2025.

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

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

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

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

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

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

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

332 (b) abstracting title, title searching, examining title, or determining the insurability of
333 title, and every other activity, exclusive of escrow, settlement, or closing charges,

- 334 whether denominated premium or otherwise, made by a title insurer, an agent of a
335 title insurer, a title insurance producer, or any of them.
- 336 (4) Beginning July 1, 1986, a former county mutual and a former mutual benefit association
337 shall pay the premium tax or assessment due under this chapter. Premiums received
338 after July 1, 1986, shall be considered in determining the tax or assessment.
- 339 (5) The following insurers are not subject to the premium tax on health care insurance that
340 would otherwise be applicable under Subsection (1):
- 341 (a) an insurer licensed under Title 31A, Chapter 5, Domestic Stock and Mutual
342 Insurance Corporations;
- 343 (b) an insurer licensed under Title 31A, Chapter 7, Nonprofit Health Service Insurance
344 Corporations;
- 345 (c) an insurer licensed under Title 31A, Chapter 8, Health Maintenance Organizations
346 and Limited Health Plans;
- 347 (d) an insurer licensed under Title 31A, Chapter 9, Insurance Fraternal;
- 348 (e) an insurer licensed under Title 31A, Chapter 11, Motor Clubs; and
- 349 (f) an insurer licensed under Title 31A, Chapter 14, Foreign Insurers.
- 350 (6)(a) As used in this Subsection (6):
- 351 (i) "Cancellation fee waiver" means the same as that term is defined in Section
352 31A-23a-902.
- 353 (ii) "Primary certificate holder" means an individual who elects and purchases travel
354 insurance under a group policy.
- 355 (iii) "Primary policyholder" means an individual who elects and purchases individual
356 travel insurance.
- 357 (iv) "Travel assistance service" means the same as that term is defined in Section
358 31A-23a-902.
- 359 (v) "Travel insurance" means the same as that term is defined in Section 31A-23a-902.
- 360 (b) A travel insurer shall:
- 361 (i) pay a premium tax required under Subsection (1) on a travel insurance premium
362 that:
- 363 (A) an individual primary policyholder pays, if the policyholder is a resident of
364 this state;
- 365 (B) a primary certificate holder pays, if the certificate holder is a resident of this
366 state and elects coverage under a group travel insurance policy; or
- 367 (C) subject to any apportionment rules that apply to the insurer across multiple

- 368 taxing jurisdictions or permit the insurer to allocate the premium on an
369 apportioned basis in a reasonable and equitable manner across multiple
370 jurisdictions, a blanket travel insurance policyholder pays for eligible blanket
371 group members, if the policyholder is a resident in this state, has the
372 policyholder's principal place of business in this state, or has the principal place
373 of business of an affiliate or subsidiary that has purchased blanket travel
374 insurance in this state;
- 375 (ii) document the state of residence or principal place of business of each
376 policyholder and certificate holder; and
- 377 (iii) report as a premium only the amount allocable to travel insurance and not an
378 amount received for:
- 379 (A) a cancellation fee waiver; or
380 (B) a travel assistance service.
- 381 (7) A captive insurer, as provided in Section 31A-3-304, that pays a fee imposed under
382 Section 31A-3-304 is not subject to the premium tax under this section.
- 383 (8) An insurer issuing multiple policies to an insured may not artificially allocate the
384 premiums among the policies for purposes of reducing the aggregate premium tax or
385 assessment applicable to the policies.
- 386 (9) The retaliatory provisions of Title 31A, Chapter 3, Department Funding, Fees, and Taxes,
387 apply to the tax or assessment imposed under this chapter.
- 388 (10)(a) As used in this Subsection (10):
- 389 (i) "Diverted revenue" means revenue collected from taxes levied under this section
390 that is not paid into or does not remain in the General Fund because of a statutory
391 provision requiring the revenue to be paid or distributed as provided in that
392 statutory provision.
- 393 (ii) "Net revenue" means the total revenue collected from taxes levied under this
394 section, excluding diverted revenue.
- 395 (b) For fiscal year 2027 and for fiscal year 2028, the Division of Finance shall transfer
396 \$3,700,000 of the revenue collected from taxes levied under this section to the Utah
397 Valley University - Special Projects, Fire and Rescue Training, for the cancer
398 screening program described in Section 34A-3-114.
- 399 (c) Beginning fiscal year 2027, the Division of Finance shall transfer \$250,000 of the
400 revenue collected from taxes levied under this section to the Utah Valley University -
401 Special Projects, Fire and Rescue Training, for the record keeping system for the

402 cancer screening program described in Section 53H-4-705.
403 (d) Beginning fiscal year 2027, the Division of Finance shall transfer on an annual basis
404 the net revenue into the Firefighter Cancer Benefit Trust Fund created in Section
405 53-32-201.

406 Section 7. **Repealer.**

407 This bill repeals:

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

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

411 Section 8. **Effective Date.**

412 This bill takes effect on July 1, 2026.