

Firefighter Cancer Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

LONG TITLE**General Description:**

This bill modifies the Utah Occupational Disease Act by expanding the rebuttable presumption for a firefighter diagnosed with cancer.

Highlighted Provisions:

This bill:

- defines terms;
- expands the list of cancers that presumptively arise from service as a firefighter;
- establishes requirements for the rebuttable presumption;
- excludes respiratory cancers related to the use of cigarettes, electronic cigarettes, or tobacco products from the rebuttable presumption;
- provides a firefighter a cancer screening examination at no cost to the firefighter;
- requires the fire department where a firefighter is working to cover the cost of the cancer screening; and
- provides for the management of the cancer screening program.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

34A-3-101 (Effective 07/01/25), as renumbered and amended by Laws of Utah 1997,
Chapter 375

34A-3-113 (Effective 07/01/25)

ENACTS:

34A-3-114 (Effective 07/01/25), Utah Code Annotated 1953

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

Section 1. Section **34A-3-101** is amended to read:

32 **34A-3-101 (Effective 07/01/25). Title -- Definitions.**

33 (1) This chapter is known as the "Utah Occupational Disease Act."

34 (2) For purposes of this chapter[;] :

35 (a) [~~"division"~~] "Division" means the Division of Industrial Accidents.36 (b)(i) "Firefighter" means a member of a fire department or firefighting organization
37 that provides fire suppression and other fire-related service who is responsible for
38 or is in a capacity that includes responsibility for the extinguishment of fires.39 (ii) "Firefighter" includes:40 (A) an individual who is a designated personal protective equipment technician;41 (B) a volunteer safety officer as described in Subsection 67-20-2(10)(b)(ii); or42 (C) a member paid on call.43 (iii) "Firefighter" does not include any other individual whose job description, duties,
44 or responsibilities do not include direct involvement in fire suppression.45 (c) "Presumptive cancer" means one or more of the following cancers:46 (i) bladder;47 (ii) blood;48 (iii) brain;49 (iv) breast;50 (v) colorectal;51 (vi) esophageal;52 (vii) ovarian;53 (viii) kidney;54 (ix) lung;55 (x) melanoma;56 (xi) mesothelioma;57 (xii) non-Hodgkins lymphoma;58 (xiii) oropharynx;59 (xiv) prostate;60 (xv) skin;61 (xvi) testicular; and62 (xvii) thyroid.63 Section 2. Section **34A-3-113** is amended to read:64 **34A-3-113 (Effective 07/01/25). Presumption of workers' compensation benefits**
65 **for firefighters.**

66 [(1) As used in this section:]

67 [(a)(i) "Firefighter" means a member, including a volunteer member, as described in
68 Subsection 67-20-2(10)(b)(ii), or a member paid on call, of a fire department or other
69 organization that provides fire suppression and other fire-related service who is
70 responsible for or is in a capacity that includes responsibility for the extinguishment of
71 fires.]

72 [(ii) "Firefighter" does not include a person whose job description, duties, or
73 responsibilities do not include direct involvement in fire suppression.]

74 [(b) "Presumptive cancer" means one or more of the following cancers:]

75 [(i) pharynx;]

76 [(ii) esophagus;]

77 [(iii) lung; and]

78 [(iv) mesothelioma.]

79 [(2)] (1) If a firefighter who contracts a presumptive cancer meets the requirements of
80 Subsection [(3)] (2), there is a rebuttable presumption that:

81 (a) the presumptive cancer was contracted arising out of and in the course of [
82 employment] being a firefighter; and

83 (b) the presumptive cancer was not contracted by a willful act of the firefighter.

84 (2) The rebuttable presumption provided in Subsection (1) applies to:

85 (a) a firefighter currently in service; and

86 (b)(i) a former firefighter until the firefighter reaches the Social Security retirement
87 qualifying age; and

88 (ii) who is diagnosed with a presumptive cancer no more than ten years after the
89 firefighter's last day of service as a firefighter.

90 (3) To be entitled to the rebuttable presumption described in Subsection [(2)] (1), the
91 firefighter shall submit to the program described in Section 53B-29-202 a record of:

92 (a) service as a firefighter with assignment to hazardous duty for at least five years;[
93 during the time of employment as a firefighter, undergo annual physical
94 examinations;]

95 (b) physical examination:

96 (i) before serving as a firefighter that does not indicate evidence of cancer;

97 (ii) beginning July 1, 2025, completed every three years during the time of service as
98 a firefighter; and

99 (iii) that is reasonably aligned with the National Fire Protection Association standard

- 100 on comprehensive occupational medical program for fire departments;
- 101 (c) beginning July 1, 2025, cancer screening examinations in accordance with Section
- 102 34A-3-114 during the time of service as a firefighter; and
- 103 [(b) have been employed as a firefighter for eight years or more and regularly
- 104 responded to firefighting or emergency calls within the eight-year period; and]
- 105 [(e)] (d) [if the firefighter has used tobacco, provide documentation from a] a physician
- 106 statement stating that [indicates] [that] the firefighter has not used tobacco for [the] at
- 107 least eight years [preceeding] immediately before reporting the presumptive cancer to
- 108 the [employer or division] program described in Section 53B-29-202.
- 109 (4)(a) A presumption established under this section may be rebutted by a preponderance
- 110 of the evidence.
- 111 (b)(i) A firefighter may not benefit from the rebuttable presumption if the firefighter
- 112 does not comply with Subsection (3).
- 113 (ii) A firefighter may seek compensation in accordance with Chapter 2, Workers'
- 114 Compensation Act, regardless of compliance with Subsection (3).
- 115 (iii) The rebuttable presumption does not apply to cancers of the respiratory tract if
- 116 there is evidence that the firefighter's exposure to cigarettes, electronic cigarettes,
- 117 or tobacco products outside of the scope of the firefighter's official duties is a
- 118 substantial contributing cause to the development of the cancer.
- 119 [(5) If a firefighter who contracts a presumptive cancer is employed as a firefighter by
- 120 more than one employer and qualifies for the presumption under Subsection (2), and that
- 121 presumption has not been rebutted, the employer and insurer at the time of the last
- 122 substantial exposure to risk of the presumptive cancer are liable under this chapter under
- 123 Section 34A-3-105.]
- 124 (5) The fire department or firefighting organization and insurer at the time of the last
- 125 substantial exposure to risk of a presumptive cancer is liable under Section 34A-3-105
- 126 when:
- 127 (a) a firefighter who contracts a presumptive cancer serves as a firefighter with more
- 128 than one fire department or firefighting organization;
- 129 (b) the firefighter qualifies for the rebuttable presumption; and
- 130 (c) the presumption has not been rebutted.
- 131 (6) A cause of action subject to the rebuttable presumption [under this section-]is
- 132 considered to arise on the date that [the] [employee] a firefighter:
- 133 (a) suffers disability from the occupational disease;

134 (b) knows, or in the exercise of reasonable diligence should have known, that the
135 occupational disease is caused by [employment] serving as a firefighter; and

136 (c) files a claim as provided in Section 34A-3-108.

137 Section 3. Section **34A-3-114** is enacted to read:

138 **34A-3-114 (Effective 07/01/25). Cancer screening for public firefighters.**

139 (1)(a) After five years of active service, continuous or combined, a firefighter working
140 for a public fire department, or a public firefighting organization, shall be offered a
141 cancer screening examination conducted by a physician approved by the program
142 described in Section 53B-29-202:

143 (i) every five years for firefighters 49 years old or younger; and

144 (ii) every three years for firefighters 50 years old and older until the firefighter
145 reaches the Social Security retirement qualifying age.

146 (b) The examination shall include screening for presumptive cancers.

147 (2) Beginning January 1, 2029, and for each plan year that follows, a public fire department
148 or public firefighting organization shall provide health care benefits, including cancer
149 screening examinations, consistent with the requirement of this section for the public
150 fire department or public firefighting organization's employed and contracted
151 firefighters.

152 (3)(a) If there is a copayment, deductible, coinsurance, or out-of-pocket expense, the
153 public fire department or public firefighting organization shall provide
154 reimbursement to employed and contracted firefighters.

155 (b) A public fire department or public firefighting organization shall maintain adequate
156 records to facilitate the reimbursement to comply with Subsection (3)(a).

157 (4) The program described in Section 53B-29-202 shall, with the consent of the firefighter:

158 (a) track cancer screenings for a firefighter; and

159 (b) serve as a liaison between a firefighter and a cancer screening clinic.

160 Section 1. **Effective Date.**

161 This bill takes effect on July 1, 2025.