

**Effective 7/1/2015**

**Chapter 17**  
**Public Safety Officer and Firefighter Line-of-duty Death Act**

**Part 1**  
**General Provisions**

**53-17-101 Title.**

This chapter is known as the "Public Safety Officer and Firefighter Line-of-Duty Death Act."

Enacted by Chapter 166, 2015 General Session

**53-17-102 Definitions.**

As used in this chapter:

- (1) "Board" means Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees created in Section 53-17-402.
- (2) "Child" or "children" means a child of a member, including a stepchild and a legally adopted child who is under the age of 26.
- (3) "Employer" means a law enforcement agency or other state or local government agency that:
  - (a) is a participating employer; and
  - (b) employs one or more public safety service employees or firefighter service employees who are eligible to earn service credit in a Utah Retirement System under Title 49, Utah State Retirement and Insurance Benefit Act.
- (4) "Firefighter service employee" means the same as that term is defined in Section 49-16-102 or 49-23-102.
- (5) "Member" means the same as that term is defined in Section 49-11-102.
- (6) "Participating employer" means the same as that term is defined in Section 49-11-102.
- (7) "Public safety service employee" means the same as that term is defined in Section 49-14-102, 49-15-102, or 49-23-102.
- (8) "Trust Fund" means the Local Public Safety and Firefighter Surviving Spouse Trust Fund created in Section 53-17-301.

Amended by Chapter 303, 2018 General Session

**Part 2**  
**Health Coverage for a Surviving Spouse**

**53-17-201 Surviving spouse and children health coverage for line-of-duty death.**

- (1)
  - (a) Subject to Subsection (1)(b), and in accordance with this section, an employer shall allow the surviving spouse and children of a member whose death is classified by the Utah State Retirement Office as a line-of-duty death under the provisions of Title 49, Utah State Retirement and Insurance Benefit Act, to remain eligible for health coverage under the employer's group health plan as if the surviving spouse was an employee of the employer.
  - (b) The employer shall pay 100% of the premium costs and, if the health coverage is a high-deductible plan, the employer share of any contribution into a health savings account for the

- surviving spouse and dependent children as described under Subsections (1)(a) and (2), and may not require payment from the surviving spouse for premium costs or health savings account contributions as a condition of qualifying to continue to receive the health coverage.
- (c) For the first 12 months after the line-of-duty death, the employer shall pay the amount specified under Subsection (1)(b).
  - (d) Beginning 13 months after the line-of-duty death, an employer may pay the amount specified under Subsection (1)(b) through a cost-sharing agreement under Section 53-17-301 associated with the trust fund created under Section 53-17-401.
- (2) An employer shall allow a surviving spouse and children to remain eligible to receive health coverage from the employer under this section at the option of the surviving spouse:
- (a) for health coverage for the surviving spouse, until the surviving spouse becomes eligible for Medicare; and
  - (b) for health coverage of a child, until the child reaches the age of 26.
- (3) This section does not apply to a member who:
- (a) does not qualify for a line-of-duty death benefit under Title 49, Utah State Retirement and Insurance Benefit Act;
  - (b) at the time of death, did not receive or qualify to receive employer group health coverage; or
  - (c) is covered under Section 49-20-406.

Amended by Chapter 269, 2017 General Session

### **Part 3 Cost-sharing Agreements**

#### **53-17-301 Cost-sharing agreements -- Deadlines -- Terms -- Reports -- Rulemaking.**

- (1)
- (a) An employer shall participate in the trust fund by:
    - (i) entering into a cost-sharing agreement with the commissioner under this section; and
    - (ii) paying the cost-sharing rate determined by the board.
  - (b)
    - (i) In accordance with the requirements of this Subsection (1)(b), a participating employer that employs a public safety officer or firefighter but does not cover the public safety officer or firefighter as a public safety service employee or firefighter service employee for retirement purposes may elect to participate in the trust fund in accordance with the requirements of this Subsection (1)(b).
    - (ii) A participating employer described in Subsection (1)(b)(i) may participate in the trust fund by:
      - (A) making an election described in Subsection (1)(b)(iii);
      - (B) entering into a cost-sharing agreement with the commissioner under this section; and
      - (C) paying the cost-sharing rate determined by the board.
    - (iii) An election under Subsection (1)(b)(ii)(A) shall be documented by a resolution adopted by the participating employer.
    - (iv) If a participating employer makes an election under Subsection (1)(b)(ii), the provisions of this part apply to:
      - (A) the participating employer as an employer; and
      - (B) all employees of the participating employer as members.

- (v) An employee of a participating employer described in this Subsection (1)(b) is not eligible for coverage under Part 2, Health Coverage for a Surviving Spouse, if the employee is not eligible to earn service credit in a Utah Retirement System under Title 49, Utah State Retirement and Insurance Benefit Act.
- (2)
  - (a) Subject to the terms of the cost-sharing agreement, an employer that participates in accordance with this section, and stays current with its payments, shall be considered to have paid the employer's full obligation under Subsection 53-17-201(1)(b).
  - (b) An employer that participates in accordance with this section and that does not stay current with its payments may not be covered from the trust fund.
  - (c) An employer is liable to the trust fund for failure to make a payment pursuant to the cost-sharing agreement in violation of this part.
- (3) An employer shall be covered from the trust fund for a line-of-duty death that occurs on or after July 1, 2005.
- (4) The commissioner shall:
  - (a) in consultation with the board, establish a form and language for a cost-sharing agreement required to use trust funds in accordance with this section;
  - (b) as directed by the board, assess the annual fee amount established by the board;
  - (c) as directed by the board, establish procedures for an employer participating in the trust fund to be reimbursed for the costs of providing the health coverage benefit under Subsection 53-17-201(1)(b);
  - (d) prepare and submit to the governor and the Legislature, by October 1 of each year, an annual written report of the trust fund, including its balance, expenditures, and revenues, and the operations and activities of the board under this chapter; and
  - (e) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to implement this chapter.

Amended by Chapter 303, 2018 General Session

## **Part 4**

### **Local Public Safety and Firefighter Surviving Spouse Trust Fund**

#### **53-17-401 Local Public Safety and Firefighter Surviving Spouse Trust Fund.**

- (1) There is created a private purpose trust fund entitled the "Local Public Safety and Firefighter Surviving Spouse Trust Fund."
- (2) The trust fund consists of:
  - (a) fees established in Subsection 53-17-402(2)(a);
  - (b) appropriations made to the fund by the Legislature, if any;
  - (c) private donations and grants; and
  - (d) other revenue received from other sources.
- (3) The Department of Public Safety:
  - (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) The trust fund shall earn interest.

- (5) The revenue and interest in the account, less actual administrative costs to the department, shall be used to lower fees paid by an employer under Section 53-17-201.
- (6) The board of trustees created in Section 53-17-402 may expend money from the trust fund:
  - (a) for health coverage for a surviving spouse and children under Subsection 53-17-201(1)(d) by paying:
    - (i) premium costs; or
    - (ii) if the health coverage is a high-deductible plan, premium costs and the employer contribution to a health savings account; and
  - (b) reasonable administrative costs that the department and the board of trustees incur in performing their duties for administering the trust fund.
- (7) Money deposited into the trust fund is irrevocable and is expended only for the purposes described in this chapter.
- (8) Assets of the trust fund are dedicated for the purposes established by statute and administrative rule.
- (9) Creditors of the board of trustees and of employers liable for the benefits paid under this chapter may not seize, attach, or otherwise obtain assets of the trust fund.

Amended by Chapter 269, 2017 General Session

**53-17-402 Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees -- Quorum -- Duties -- Establish rates.**

- (1)
  - (a) There is created the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees composed of four members:
    - (i) the commissioner of public safety or the commissioner's designee;
    - (ii) the executive director of the Governor's Office of Planning and Budget or the executive director's designee;
    - (iii) one person representing municipalities, designated by the Utah League of Cities and Towns; and
    - (iv) one person representing counties, designated by the Utah Association of Counties.
  - (b) The commissioner of public safety, or the commissioner's designee, is chair of the board.
  - (c) Three members of the board are a quorum.
  - (d) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
    - (i) Section 63A-3-106;
    - (ii) Section 63A-3-107; and
    - (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
  - (e)
    - (i) The Department of Public Safety shall staff the board of trustees.
    - (ii) The department shall provide accounting services for the trust fund.
- (2) The board shall:
  - (a) establish rates to charge each employer based on the number of public safety service employees and firefighter service employees who are eligible for the health coverage under this chapter;
  - (b) act as trustee of the trust fund and exercise the state's fiduciary responsibilities;
  - (c) meet at least once per year;
  - (d) review and approve all policies, projections, rules, criteria, procedures, forms, standards, performance goals, and actuarial reports;

- (e) review and approve the budget for the trust fund;
- (f) review financial records of the trust fund, including trust fund receipts, expenditures, and investments;
- (g) commission and obtain financial or actuarial studies of the liabilities for the trust fund;
- (h) calculate and approve administrative expenses of the trust fund; and
- (i) do any other things necessary to perform the fiduciary obligations under the trust.

Amended by Chapter 382, 2021 General Session

## **Part 5 Death Benefit Assistance**

### **53-17-501 Death benefit assistance.**

- (1) An employer shall notify the governor's office of the line-of-duty death of an active member.
- (2) The governor's office shall ensure that the spouse, at the time of death of the active member, or the beneficiary are provided assistance to understand and apply for any death benefit for which the surviving spouse or beneficiaries may be eligible under this chapter, other Utah law, federal law, or local policy or ordinance.

Enacted by Chapter 166, 2015 General Session