

1           **WORKERS' COMPENSATION STUDIES INCLUDING COVERAGE**  
2                                   **OF FIREFIGHTERS AND DRUG OFFICERS**

3                                   2006 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Joseph G. Murray**

6                                   Senate Sponsor: Curtis S. Bramble

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8   **LONG TITLE**

9   **General Description:**

10           This bill modifies the Utah Labor Code to provide for a study of the medical causality  
11 between exposure of firefighters and drug officers and certain diseases.

12   **Highlighted Provisions:**

13           This bill:

- 14           ▶ provides for use of monies in the Workplace Safety Account to study certain  
15 workers' compensation issues;  
16           ▶ provides for the study of certain workers' compensation issues; and  
17           ▶ makes technical changes.

18   **Monies Appropriated in this Bill:**

19           This bill appropriates:

- 20           ▶ \$250,000 for fiscal year 2006-07 only, from the Workplace Safety Account to the  
21 Labor Commission to contract for the study required by this bill; and  
22           ▶ \$250,000 for fiscal year 2007-08 only, from the Workplace Safety Account to the  
23 Labor Commission to contract for the study required by this bill.

24   **Other Special Clauses:**

25           None

26   **Utah Code Sections Affected:**

27   AMENDS:

28           **34A-2-701**, as renumbered and amended by Chapter 375, Laws of Utah 1997

29   **Uncodified Material Affected:**

30 ENACTS UNCODIFIED MATERIAL

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

33 Section 1. Section **34A-2-701** is amended to read:

34 **34A-2-701. Premium assessment restricted account for safety.**

35 (1) There is created in the General Fund a restricted account known as the Workplace  
36 Safety Account.

37 (2) An amount equal to 0.25% of the premium income remitted to the state treasurer  
38 pursuant to Subsection 59-9-101(2)(c) shall be deposited in the Workplace Safety Account in  
39 the General Fund for use by the commission to promote Utah workplace safety.

40 (3) Monies shall be appropriated by the Legislature from the restricted account to the  
41 commission for use by the commission to:

42 (a) improve safety consultation services available to Utah employers; ~~or~~

43 (b) provide for electronic or print media advertising campaigns designed to promote  
44 workplace safety~~[-]; or~~

45 (c) contract for studies of workplace safety issues such as whether or not there is  
46 scientific support for a presumption that for certain occupations some occupational diseases are  
47 medically caused or aggravated by employment.

48 (4) From monies appropriated by the Legislature from the restricted account to the  
49 commission for use by the commission, the commission may fund other safety programs or  
50 initiatives recommended to it by its state workers' compensation advisory council created under  
51 Section 34A-2-107.

52 (5) The commission shall annually report to the governor, the Legislature, and its state  
53 council regarding:

54 (a) the use of the monies appropriated under Subsection (3) or (4); and

55 (b) the use of the monies on the safety of Utah's workplaces.

56 (6) The monies deposited in the restricted account:

57 (a) shall be:

- 58 (i) used only for the activities described in Subsection (3) or (4); and
- 59 (ii) expended according to processes that can be verified by audit; and
- 60 (b) may not be used for:
- 61 (i) administrative costs unrelated to the restricted account; or
- 62 (ii) any activity of the commission other than the activities of the commission
- 63 described in Subsection (3) or (4).

64 Section 2. **Study of presumptive occupational diseases for firefighters or drug law**  
65 **enforcement officers.**

66 (1) As used in this section:

67 (a) "Drug law enforcement officer" means a law enforcement officer who is assigned  
68 by the law enforcement officer's city, county, or state department head, to participate in an  
69 investigative unit targeting drugs, including the production of methamphetamine.

70 (b) (i) "Firefighter" means an individual that:

71 (A) is a member of a fire department or other organization that:

72 (I) provides fire suppression and other fire-related services; and

73 (II) is an agency of a political subdivision of the state; and

74 (B) (I) is in a capacity that includes responsibility for the extinguishment of fire; or

75 (II) is emergency medical service personnel, as defined in Section 26-8a-102, who is a  
76 member of a fire department or other organization described in Subsection (1)(b)(i) when  
77 providing services as an emergency medical service personnel.

78 (ii) "Firefighter" includes a volunteer member of a fire department or other  
79 organization described in Subsection (1)(b)(i).

80 (c) "Law enforcement officer" is as defined in Section 53-13-103.

81 (d) "Line-of-duty employment" means an activity of a firefighter or drug law  
82 enforcement officer for which the firefighter or drug law enforcement officer is obligated or  
83 authorized to perform as a firefighter or drug law enforcement officer by:

84 (i) rule;

85 (ii) condition of employment or service; or

86 (iii) statute.

87 (e) (i) "Presumptive occupational disease" means an occupational disease that occurs  
88 more frequently in certain occupations for which scientific research can support that the disease  
89 presumptively:

90 (A) arose out of and in the course of line-of-duty employment; and

91 (B) is medically caused or aggravated by the line-of-duty employment.

92 (ii) "Presumptive occupational disease" for a firefighter or drug law enforcement  
93 officer may or may not include:

94 (A) brain cancer;

95 (B) cancer of the digestive system;

96 (C) kidney or bladder cancer;

97 (D) leukemia;

98 (E) lymphoma, except for Hodgkin's disease;

99 (F) melanoma;

100 (G) multiple myeloma; or

101 (H) respiratory cancer.

102 (2) With the monies appropriated by this bill, the Labor Commission shall contract, in  
103 accordance with Title 63, Chapter 56, Utah Procurement Code, for a study meeting the  
104 requirements of this section regarding whether or not there is scientific support for there being  
105 one or more presumptive occupational diseases related to firefighters or drug law enforcement  
106 officers especially in highly populated areas.

107 (3) The study required by this section shall:

108 (a) include at a minimum:

109 (i) an evaluation of existing scientific data or research; and

110 (ii) a review of medical information of one or more representative populations;

111 (b) include periodic reporting to the Labor Commission and its state workers'

112 compensation advisory council created under Section 34A-2-107;

113 (c) be designed to preserve the objectivity of the person conducting the study; and

114 (d) be completed by no later than October 15, 2008, except for a final report that the  
115 Labor Commission and the person receiving the contract to study shall jointly make to the  
116 Business and Labor Interim Committee by no later than November 31, 2008.

117 (4) The person receiving the contract to study may use up to 10% of the monies  
118 appropriated by this bill to pay the following costs, if reasonably incurred in conducting the  
119 study:

120 (a) administrative;

121 (b) overhead; and

122 (c) travel.

123 (5) If possible, the Legislature encourages the person receiving the contract to study  
124 augment monies appropriated by this bill with monies received from other federal, state, or  
125 private sources.

126 **Section 3. Appropriation.**

127 (1) There is appropriated \$250,000 for fiscal year 2006-07 only, from the Workplace  
128 Safety Account to the Labor Commission to contract for the study required by this bill.

129 (2) There is appropriated \$250,000 for fiscal year 2007-08 only, from the Workplace  
130 Safety Account to the Labor Commission to contract for the study required by this bill.