

**Senator Ed Mayne** proposes the following substitute bill:

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: \_\_\_\_\_

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8           **LONG TITLE**

9           **General Description:**

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

13           **Highlighted Provisions:**

14           This bill:

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

19           **Monies Appropriated in this Bill:**

20           This bill appropriates:

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

25           **Other Special Clauses:**



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **34A-2-701**, as renumbered and amended by Chapter 375, Laws of Utah 1997

30 **Uncodified Material Affected:**

31 ENACTS UNCODIFIED MATERIAL



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

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

35 **34A-2-701. Premium assessment restricted account for safety.**

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

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

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

43 (a) improve safety consultation services available to Utah employers; [or]

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

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

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

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

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

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

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

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

67 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

85 (i) rule;

86 (ii) condition of employment or service; or

87 (iii) statute.

88 (e) "Occupational health and safety center" means an entity:  
89 (i) affiliated with an institution within the state system of higher education as defined  
90 in Section 53B-1-102; and  
91 (ii) designated as an education and research center by the National Institute for  
92 Occupational Safety and Health.  
93 (f) (i) "Presumptive occupational disease" means an occupational disease that occurs  
94 more frequently in certain occupations for which scientific research can support that the disease  
95 presumptively:  
96 (A) arose out of and in the course of line-of-duty employment; and  
97 (B) is medically caused or aggravated by the line-of-duty employment.  
98 (ii) "Presumptive occupational disease" for a firefighter or drug law enforcement  
99 officer may or may not include:  
100 (A) brain cancer;  
101 (B) cancer of the digestive system;  
102 (C) kidney or bladder cancer;  
103 (D) leukemia;  
104 (E) lymphoma, except for Hodgkin's disease;  
105 (F) melanoma;  
106 (G) multiple myeloma; or  
107 (H) respiratory cancer.  
108 (2) With the monies appropriated by this bill, the Labor Commission shall contract  
109 with an occupational health and safety center to conduct a study meeting the requirements of  
110 this section regarding whether or not there is scientific support for there being one or more  
111 presumptive occupational diseases related to firefighters or drug law enforcement officers  
112 especially in highly populated areas.  
113 (3) The study required by this section shall:  
114 (a) include at a minimum:  
115 (i) an evaluation of existing scientific data or research; and  
116 (ii) a review of medical information of one or more representative populations;  
117 (b) include periodic reporting to the Labor Commission and its state workers'  
118 compensation advisory council created under Section 34A-2-107;

119 (c) be designed to preserve the objectivity of the occupational health and safety center;  
120 and

121 (d) be completed by no later than October 15, 2008, except for a final report that the  
122 Labor Commission and occupational health and safety center shall jointly make to the Business  
123 and Labor Interim Committee by no later than November 31, 2008.

124 (4) The occupational health and safety center may use the monies appropriated by this  
125 bill to pay the following costs of the occupational health and safety center incurred in  
126 conducting the study, reasonable:

127 (a) administrative costs;

128 (b) personnel costs;

129 (c) equipment costs; and

130 (d) overhead costs.

131 (5) The institution within the system of higher education with which the occupational  
132 health and safety center is affiliated may not charge or assess the occupational health and safety  
133 center any administrative overhead or other costs for the study.

134 (6) If possible, the Legislature encourages the occupational health and safety center to  
135 augment monies appropriated by this bill with monies received from other federal, state, or  
136 private sources.

137 **Section 3. Appropriation.**

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

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