

LINE-OF-DUTY DEATH BENEFITS AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike K. McKell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Public Safety Code by amending line-of-duty death benefits provisions.

Highlighted Provisions:

This bill:

- ▶ repeals a provision that discontinues employer paid health coverage for a surviving spouse of a peace officer or firefighter who dies in the line of duty when the surviving spouse remarries; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides for retrospective operation.

Utah Code Sections Affected:

AMENDS:

53-17-201, as enacted by Laws of Utah 2015, Chapter 166

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

Section 1. Section **53-17-201** is amended to read:

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



28 (1) (a) Subject to Subsection (1)(b), and in accordance with this section, an employer
29 shall allow the surviving spouse and children of a member whose death is classified by the
30 Utah State Retirement Office as a line-of-duty death under the provisions of Title 49, Utah
31 State Retirement and Insurance Benefit Act, to remain eligible for health coverage under the
32 employer's group health plan as if the surviving spouse was an employee of the employer.

33 (b) (i) The employer shall pay 100% of the premium costs and, if the health coverage is
34 a high-deductible plan, the employer share of any contribution into a health savings account for
35 the surviving spouse and dependent children as described under Subsections (1)(a) and (2), and
36 may not require payment from the surviving spouse for premium costs or health savings
37 account contributions as a condition of qualifying to continue to receive the health coverage.

38 (ii) For the first 24 months after the line-of-duty death, the employer shall pay the
39 amount specified under Subsection (1)(b)(i).

40 (iii) Beginning 25 months after the line-of-duty death, an employer may pay the
41 amount specified under Subsection (1)(b)(i) through a cost-sharing agreement under Section
42 53-17-301 associated with the trust fund created under Section [~~53-17-301~~] 53-17-401.

43 (2) An employer shall allow a surviving spouse and children to remain eligible to
44 receive health coverage from the employer under this section at the option of the surviving
45 spouse [~~until~~]:

46 (a) for health coverage for the surviving spouse, until the surviving spouse [remarries
47 or] becomes eligible for Medicare [whichever come first]; and

48 (b) [~~a~~] for health coverage of a child, until the child reaches the age of 26.

49 (3) This section does not apply to a member who:

50 (a) does not qualify for a line-of-duty death benefit under [~~the provisions of~~] Title 49,
51 Utah State Retirement and Insurance Benefit Act;

52 (b) at the time of death, did not receive or qualify to receive employer group health
53 coverage; or

54 (c) is covered under [~~the provisions of~~] Section 49-20-406.

55 **Section 2. Retrospective operation.**

56 This bill has retrospective operation to July 1, 2015.

Legislative Review Note
Office of Legislative Research and General Counsel