

1                   **SURVIVING SPOUSE INSURANCE DEATH BENEFIT**

2                                   **AMENDMENTS**

3   2018 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Lee B. Perry**

6                                   Senate Sponsor: Don L. Ipson

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8   **LONG TITLE**

9   **General Description:**

10           This bill modifies the Public Employees' Benefit and Insurance Program Act by  
11   amending provisions relating to insurance death benefits for certain employees'  
12   beneficiaries.

13   **Highlighted Provisions:**

14           This bill:

15           ▶ repeals the provision that a surviving spouse of a covered individual who is  
16   employed by the state and has a line-of-duty death is eligible for group health  
17   coverage paid for by the state only until the surviving spouse remarries.

18   **Money Appropriated in this Bill:**

19           None

20   **Other Special Clauses:**

21           This bill provides retrospective operation.

22   **Utah Code Sections Affected:**

23   AMENDS:

24           **49-20-406**, as last amended by Laws of Utah 2013, Chapter 40

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

27           Section 1. Section **49-20-406** is amended to read:



28 **49-20-406. Insurance benefits for employees' beneficiaries.**

29 (1) As used in this section:

30 (a) "Children" includes stepchildren and legally adopted children.

31 (b) (i) "Line-of-duty death" means a death resulting from:

32 (A) external force or violence occasioned by an act of duty as an employee; or

33 (B) strenuous activity, including a heart attack or stroke, that occurs during strenuous  
34 training or another strenuous activity required as an act of duty as an employee.

35 (ii) "Line-of-duty death" does not include a death that:

36 (A) occurs during an activity that is required as an act of duty as an employee if the  
37 activity is not a strenuous activity, including an activity that is clerical, administrative, or of a  
38 nonmanual nature contributes to the employee's death;

39 (B) occurs during the commission of a crime committed by the employee;

40 (C) the employee's intoxication or use of alcohol or drugs, whether prescribed or  
41 nonprescribed, contributes to the employee's death; or

42 (D) occurs in a manner other than as described in Subsection (1)(b)(i).

43 (c) (i) "Strenuous activity" means engagement involving a difficult, stressful, or  
44 vigorous fire suppression, rescue, hazardous material response, emergency medical service,  
45 physical law enforcement, prison security, disaster relief, or other emergency response activity.

46 (ii) "Strenuous activity" includes participating in a participating employer sanctioned  
47 and funded training exercise that involves difficult, stressful, or vigorous physical activity.

48 (2) The beneficiary of a covered individual who is employed by the state and who has a  
49 line-of-duty death shall receive:

50 (a) the proceeds of a \$50,000 group term life insurance policy paid for by the state and  
51 administered and provided as part of the group life insurance program under this chapter; and

52 (b) group health coverage paid for by the state that covers the covered individual's:

53 (i) surviving spouse until [~~remarriage or~~] becoming eligible for Medicare[~~, whichever~~  
54 ~~comes first~~]; and

55 (ii) unmarried children up to the age of 26.

56 (3) A covered employer not required to provide the benefits under Subsection (2) may  
57 provide either or both of the benefits under Subsection (2) by paying rates established by the  
58 program.

59 (4) The benefit provided under Subsection (2)(a) is subject to the same terms and  
60 conditions as the group life insurance program provided under this chapter.

61 Section 2. **Retrospective operation.**

62 This bill has retrospective operation beginning on January 1, 2017.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**