

Firefighter Cancer Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

LONG TITLE**Committee Note:**

The Business and Labor Interim Committee recommended this bill.

Legislative Vote: 11 voting for 0 voting against 11 absent

General Description:

This bill modifies the Utah Occupational Disease Act by expanding the rebuttable presumption for a firefighter diagnosed with cancer.

Highlighted Provisions:

This bill:

- defines terms;
- expands the list of cancers that presumptively arise from service as a firefighter;
- establishes requirements for the rebuttable presumption;
- excludes respiratory cancers related to the use of cigarettes, electronic cigarettes, or tobacco products from the rebuttable presumption;
- provides a firefighter a cancer screening examination at no cost to the firefighter;
- requires the fire department where a firefighter is working to cover the cost of the cancer screening; and
- provides for the management of the cancer screening program.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

34A-3-101 (Effective 07/01/25), as renumbered and amended by Laws of Utah 1997, Chapter 375

34A-3-113 (Effective 07/01/25), as last amended by Laws of Utah 2023, Chapters 25, 364

ENACTS:

32 **34A-3-114 (Effective 07/01/25)**, Utah Code Annotated 1953

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

35 Section 1. Section **34A-3-101** is amended to read:

36 **34A-3-101 (Effective 07/01/25). Title -- Definitions.**

37 (1) This chapter is known as the "Utah Occupational Disease Act."

38 (2) For purposes of this chapter^[5] :

39 (a) [~~"division"~~] "Division" means the Division of Industrial Accidents.

40 (b)(i) "Firefighter" means a member of a fire department or firefighting organization
41 that provides fire suppression and other fire-related service who is responsible for
42 or is in a capacity that includes responsibility for the extinguishment of fires.

43 (ii) "Firefighter" includes:

44 (A) an individual who is a designated personal protective equipment technician;

45 (B) a volunteer safety officer as described in Subsection 67-20-2(10)(b)(ii); or

46 (C) a member paid on call.

47 (iii) "Firefighter" does not include any other individual whose job description, duties,
48 or responsibilities do not include direct involvement in fire suppression.

49 (c) "Presumptive cancer" means one or more of the following cancers:

50 (i) bladder;¹³

51 (ii) blood;

52 (iii) brain;

53 (iv) breast;

54 (v) colorectal;

55 (vi) esophageal;

56 (vii) ovarian;

57 (viii) kidney;

58 (ix) lung;

59 (x) melanoma;

60 (xi) mesothelioma;

61 (xii) non-Hodgkins lymphoma;

62 (xiii) oropharynx;

63 (xiv) prostate;

64 (xv) skin;

65 (xvi) testicular; and

66 (xvii) thyroid.

67 Section 2. Section 34A-3-113 is amended to read:

68 **34A-3-113 (Effective 07/01/25). Presumption of workers' compensation benefits**
69 **for firefighters.**

70 [(1) As used in this section:]

71 [(a)(i) "Firefighter" means a member, including a volunteer member, as described in
72 Subsection 67-20-2(10)(b)(ii), or a member paid on call, of a fire department or other
73 organization that provides fire suppression and other fire-related service who is
74 responsible for or is in a capacity that includes responsibility for the extinguishment of
75 fires.]

76 [(ii) "Firefighter" does not include a person whose job description, duties, or
77 responsibilities do not include direct involvement in fire suppression.]

78 [(b) "Presumptive cancer" means one or more of the following cancers:]

79 [(i) pharynx;]

80 [(ii) esophagus;]

81 [(iii) lung; and]

82 [(iv) mesothelioma.]

83 [(2)] (1) If a firefighter who contracts a presumptive cancer meets the requirements of
84 Subsection [(3)] (2), there is a rebuttable presumption that:

85 (a) the presumptive cancer was contracted arising out of and in the course of [
86 employment] being a firefighter; and

87 (b) the presumptive cancer was not contracted by a willful act of the firefighter.

88 (2) The rebuttable presumption provided in Subsection (1) applies to:

89 (a) a firefighter currently in service; and

90 (b)(i) a former firefighter until the firefighter reaches the Social Security retirement
91 qualifying age; and

92 (ii) who is diagnosed with a presumptive cancer no more than ten years after the
93 firefighter's last day of service as a firefighter.

94 (3) To be entitled to the rebuttable presumption described in Subsection [(2)] (1), the
95 firefighter shall submit to the program described in Section 53B-29-202 a record of:

96 (a) [during the time of employment as a firefighter, undergo annual physical
97 examinations;] service as a firefighter with assignment to hazardous duty for at least
98 five years;

99 (b) physical examination:

- 100 (i) before serving as a firefighter that does not indicate evidence of cancer;
101 (ii) beginning July 1, 2025, completed every three years during the time of service as
102 a firefighter; and
103 (iii) that is reasonably aligned with the National Fire Protection Association standard
104 on comprehensive occupational medical program for fire departments;
105 (c) beginning July 1, 2025, cancer screening examinations in accordance with Section
106 34A-3-114 during the time of service as a firefighter; and
107 [~~(b) have been employed as a firefighter for eight years or more and regularly~~
108 ~~responded to firefighting or emergency calls within the eight-year period; and]~~
109 [~~(c)~~] (d) [~~if the firefighter has used tobacco, provide documentation from a~~] a physician
110 statement stating that [~~indicates that~~] the firefighter has not used tobacco for [~~the~~] at
111 least eight years [~~preceding~~] immediately before reporting the presumptive cancer to
112 the [~~employer or division~~] program described in Section 53B-29-202.
- 113 (4)(a) A presumption established under this section may be rebutted by a preponderance
114 of the evidence.
- 115 (b)(i) A firefighter may not benefit from the rebuttable presumption if the firefighter
116 does not comply with Subsection (3).
- 117 (ii) A firefighter may seek compensation in accordance with Chapter 2, Workers'
118 Compensation Act, regardless of compliance with Subsection (3).
- 119 (iii) The rebuttable presumption does not apply to cancers of the respiratory tract if
120 there is evidence that the firefighter's exposure to cigarettes, electronic cigarettes,
121 or tobacco products outside of the scope of the firefighter's official duties is a
122 substantial contributing cause to the development of the cancer.
- 123 [(5) ~~If a firefighter who contracts a presumptive cancer is employed as a firefighter by~~
124 ~~more than one employer and qualifies for the presumption under Subsection (2), and that~~
125 ~~presumption has not been rebutted, the employer and insurer at the time of the last~~
126 ~~substantial exposure to risk of the presumptive cancer are liable under this chapter under~~
127 ~~Section 34A-3-105.]~~
- 128 (5) The fire department or firefighting organization and insurer at the time of the last
129 substantial exposure to risk of a presumptive cancer is liable under Section 34A-3-105
130 when:
- 131 (a) a firefighter who contracts a presumptive cancer serves as a firefighter with more
132 than one fire department or firefighting organization;
133 (b) the firefighter qualifies for the rebuttable presumption; and

134 (c) the presumption has not been rebutted.

135 (6) A cause of action subject to the rebuttable presumption [under this section] is
136 considered to arise on the date that [the employee] a firefighter:

137 (a) suffers disability from the occupational disease;

138 (b) knows, or in the exercise of reasonable diligence should have known, that the
139 occupational disease is caused by [employment] serving as a firefighter; and

140 (c) files a claim as provided in Section 34A-3-108.

141 Section 3. Section **34A-3-114** is enacted to read:

142 **34A-3-114 (Effective 07/01/25). Cancer screening for public firefighters.**

143 (1)(a) After five years of active service, continuous or combined, a firefighter working
144 for a public fire department, or a public firefighting organization, shall be offered a
145 cancer screening examination conducted by a physician approved by the program
146 described in Section 53B-29-202:

147 (i) every five years for firefighters 49 years old or younger; and

148 (ii) every three years for firefighters 50 years old and older until the firefighter
149 reaches the Social Security retirement qualifying age.

150 (b) The examination shall include screening for presumptive cancers.

151 (2) Beginning January 1, 2029, and for each plan year that follows, a public fire department
152 or public firefighting organization shall provide health care benefits, including cancer
153 screening examinations, consistent with the requirement of this section for the public
154 fire department or public firefighting organization's employed and contracted firefighters.

155 (3)(a) If there is a copayment, deductible, coinsurance, or out-of-pocket expense, the
156 public fire department or public firefighting organization shall provide
157 reimbursement to employed and contracted firefighters.

158 (b) A public fire department or public firefighting organization shall maintain adequate
159 records to facilitate the reimbursement to comply with Subsection (3)(a).

160 (4) The program described in Section 53B-29-202 shall, with the consent of the firefighter:

161 (a) track cancer screenings for a firefighter; and

162 (b) serve as a liaison between a firefighter and a cancer screening clinic.

163 Section 1. **Effective Date.**

164 This bill takes effect on July 1, 2025.