

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1632 Session of 2023

INTRODUCED BY O'MARA, SOLOMON, GILLEN, KHAN, SCOTT, BRENNAN, RIGBY, SCHLOSSBERG, McNEILL, HILL-EVANS, PIELLI, MADDEN, HANBIDGE, DELLOSO, HOWARD, SANCHEZ, D. MILLER, STURLA, WARREN, GUENST, STENDER, KINSEY, CEPEDA-FREYTIZ, D. WILLIAMS, MALAGARI, CERRATO, KRAJEWSKI, GREEN, CIRESI, OTTEN, SHUSTERMAN, BOROWSKI, GIRAL, KINKEAD, CURRY, T. DAVIS, KAZEEM, PISCIOTTANO AND TAKAC, AUGUST 29, 2023

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 7, 2024

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled "An
2 act defining the liability of an employer to pay damages for
3 injuries received by an employe in the course of employment;
4 establishing an elective schedule of compensation; providing
5 procedure for the determination of liability and compensation
6 thereunder; and prescribing penalties," in interpretation and
7 definitions, further providing for definitions; and, in
8 liability and compensation, providing for compensation for
9 post-traumatic stress injury.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 109 of the act of June 2, 1915 (P.L.736,
13 No.338), known as the Workers' Compensation Act, is amended by
14 adding definitions to read:

15 Section 109. In addition to the definitions set forth in
16 this article, the following words and phrases when used in this
17 act shall have the meanings given to them in this section unless
18 the context clearly indicates otherwise:

1 * * *

2 "First responder" means any of the following public servants:

3 (1) An emergency medical services provider or EMS provider,
4 as defined in 35 Pa.C.S. § 8103 (relating to definitions), who
5 is an active volunteer, employe or member of an EMS company that
6 is:

7 (i) designated by a municipality as the municipality's
8 primary EMS provider; or

9 (ii) dispatched by a public safety answering point as
10 defined in 35 Pa.C.S. § 5302 (relating to definitions) or
11 pursuant to a mutual aid agreement under 35 Pa.C.S. § 7504
12 (relating to coordination, assistance and mutual aid).

13 (2) An active volunteer, employe or member of a fire
14 company, as defined in 35 Pa.C.S. § 7802 (relating to
15 definitions).

16 (3) A Pennsylvania State Police officer.

17 (4) A peace officer as defined in 18 Pa.C.S. § 501 (relating
18 to definitions).

19 * * *

20 "Post-traumatic stress injury" shall have the meaning given
21 in 35 Pa.C.S. § 75A01 (relating to definitions).

22 * * *

23 "QUALIFYING TRAUMATIC EVENT" MEANS AN INCIDENT OR EXPOSURE: <--

24 (1) RESULTING IN SERIOUS BODILY INJURY OR DEATH TO ANY
25 PERSON OR PERSONS.

26 (2) INVOLVING A MINOR WHO HAS BEEN INJURED, KILLED, ABUSED
27 OR EXPLOITED.

28 (3) INVOLVING AN IMMEDIATE THREAT TO THE LIFE OF THE
29 CLAIMANT OR ANOTHER INDIVIDUAL.

30 (4) INVOLVING MASS CASUALTIES.

1 (5) RESPONDING TO CRIME SCENES FOR INVESTIGATIONS.

2 * * *

3 Section 2. Section 301 of the act is amended by adding a
4 subsection to read:

5 Section 301. * * *

6 (g) (1) A claim for a post-traumatic stress injury suffered
7 by a first responder shall establish that the injury was THE <--
8 RESULT OF THE INDIVIDUAL UNDERGOING A QUALIFYING TRAUMATIC EVENT
9 OR EVENTS AND WAS sustained in the course and scope of the
10 individual's employment as a first responder. A post-traumatic
11 stress injury suffered by a first responder shall not be
12 required to be the result of an abnormal working condition to be
13 a compensable injury under this act.

14 (2) A post-traumatic stress injury suffered by an individual
15 under paragraph (1) shall be based on assessment and diagnosis
16 by a licensed psychologist or psychiatrist under the laws and
17 regulations of this Commonwealth.

18 (3) A claim for a post-traumatic stress injury must be filed
19 ~~within three years of~~ NO LATER THAN THREE YEARS AFTER the date <--
20 of a diagnosis under paragraph (2), AND THE INJURY MUST NOT HAVE <--
21 OCCURRED MORE THAN FIVE YEARS BEFORE THE EFFECTIVE DATE OF THIS
22 SUBSECTION.

23 (4) When a post-traumatic stress injury is diagnosed after
24 the last date of employment, paragraph (1) shall not be
25 construed to prohibit a claim against the employer of the
26 claimant at the time of the exposure to the QUALIFYING traumatic <--
27 event or events which caused the injury.

28 (5) For purposes of this subsection, a post-traumatic stress
29 injury suffered as a result of disciplinary action, job or
30 performance evaluation, job transfers or employment termination,

1 shall not be compensable.

2 Section 3. The amendment or addition of sections 109 and
3 301(g) of the act shall apply to claims filed on or after the
4 effective date of section 301(g) of the act.

5 Section 4. This act shall take effect as follows:

6 (1) The amendment or addition of sections 109 and 301(g)
7 of the act shall take effect in one year.

8 (2) The remainder of this act shall take effect
9 immediately.