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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 365 Session of  
2023

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INTRODUCED BY BARTOLOTTA, REGAN, TARTAGLIONE, STEFANO, YAW,  
PENNYCUICK, BAKER, COSTA, ROBINSON AND KANE,  
FEBRUARY 21, 2023

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REFERRED TO LABOR AND INDUSTRY, FEBRUARY 21, 2023

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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, further providing for  
9 compensation for 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:

19 \* \* \*

20 "First responder" means an individual who is a professional  
21 or volunteer firefighter, a member of a volunteer ambulance

1 corps, a member of a volunteer rescue and lifesaving squad, an  
2 emergency medical services employee, a paramedic, a Pennsylvania  
3 State Police officer or a peace officer as defined in 18 Pa.C.S.  
4 § 501 (relating to definitions).

5 \* \* \*

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

8 \* \* \*

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

11 Section 301. \* \* \*

12 (g) (1) A post-traumatic stress injury suffered by a first  
13 responder shall be established by a preponderance of the  
14 evidence that the injury resulted from a normal or abnormal  
15 working condition and was sustained in the course and scope of  
16 the individual's employment as a first responder.

17 (2) A post-traumatic stress injury suffered by an individual  
18 under paragraph (1) shall be based on an examination and  
19 diagnosis by a psychologist or psychiatrist duly licensed under  
20 the laws of this Commonwealth.

21 (3) A claim for a post-traumatic stress injury must be filed  
22 within three years of the date of a diagnosis under paragraph  
23 (2).

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

29 (5) For purposes of this subsection, a post-traumatic stress  
30 injury suffered as a result of an employment action, including

1 disciplinary action, job or performance evaluation, job  
2 transfers or employment termination, shall not be compensable.

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

6 Section 4. This act shall take effect in 60 days.