



# State of Tennessee

## PUBLIC CHAPTER NO. 465

### SENATE BILL NO. 856

By Bailey, Briggs, Massey, Stevens, Lowe, Gardenhire, Crowe, Lamar, Campbell, Kyle, Oliver, Swann, Yarbrow, Akbari, Jackson, Hensley, Reeves, Bowling, Niceley, Southerland, Roberts, White, Powers, Walley, Pody, Lundberg, Rose, Watson, Yager, Haile, Taylor;  
Mr. Speaker McNally; Johnson

Substituted for: House Bill No. 976

By Garrett, Faison, Whitson, White, Capley, Rudder, Barrett, Carr, Haston, Wright, Russell, Curtis Johnson, Williams, Terry, Sherrell, Hawk, Gant, Burkhart, Cepicky, Davis, Raper, Todd, Crawford, Bulso, Baum, Darby, Keisling, McCalmon, Clemmons, Jernigan, Glynn, Howell, Freeman, Hemmer, Miller, Brock Martin, Butler, Slater, Vital, Sparks, Moon, Gary Hicks, Camper, Littleton, Campbell, Farmer, Grills, Gillespie, Hurt, Ragan, McKenzie, Holsclaw, Alexander, Hale, Jones, Stevens, Lafferty, Rudd, Shaw, Helton-Haynes, Harris, Greg Martin, Hulse, Parkinson, Boyd, Lynn, Warner, Doggett, Moody, Hakeem, Lamberth, Chism, Leatherwood, Thompson, Vaughan, Fritts, Powell, Beck, Richey, Eldridge, Tim Hicks, Cochran, Marsh, Kumar, Carringer, Dixie, Powers, Love, Reedy, Hardaway, Bricken, Travis, Gloria Johnson, Zachary

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 51, Part 2; Title 9; Title 50, Chapter 6 and Title 68, Chapter 102, relative to firefighters.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

WHEREAS, the responsibilities of the modern firefighter continue to expand well beyond fighting fires and now require response to numerous incidents, such as emergency medical response, incidents involving hazardous materials, vehicle extrication, mass casualty incidents, disaster relief, search and rescue, and active shooter incidents; and

WHEREAS, suicide has become an epidemic in the fire service in the United States; and

WHEREAS, cumulative post-traumatic stress resulting in post-traumatic stress disorder is one of the leading causes of those suicides; and

WHEREAS, post-traumatic stress disorder can only be diagnosed by a doctor licensed in mental health; and

WHEREAS, post-traumatic stress disorder can be treated, and firefighter lives and careers can be saved with treatment; and

WHEREAS, by providing firefighters with post-traumatic stress disorder treatment, employers will realize financial savings by not having to replace and retrain new firefighters; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, Part 2, is amended by adding the following as a new section:

(a) This section is known and may be cited as the "James 'Dustin' Samples Act."

(b) As used in this section:

(1) "Employer" means a municipality, county, metropolitan form of government, or other political subdivision of this state that employs firefighters;

(2) "Fire department":

(A) Means a department of a municipality, county, or political subdivision, or an organization, agency, or entity that offers its services, for or without pay, for the purpose of suppressing fires, performing rescue services, or for other emergency response purposes; and

(B) Does not include law enforcement agencies, emergency medical agencies licensed by the Tennessee emergency medical services board, and rescue squads that do not provide fire protection;

(3) "Firefighter":

(A) Means a regular or full-time, paid employee of the fire department of a municipality, county, municipal form of government, or other political subdivision of this state whose duties require the employee to actively engage in fire suppression, rescue services, or other emergency response tasks; and

(B) Includes employees whose previous duties required the employee to respond to and be actively engaged in fire suppression, rescue services, or other emergency response tasks;

(4) "In the line of duty" means in the course of employment and in the actual discharge of the duties of the position;

(5) "Mental health professional" means an individual professionally licensed in this state to diagnose and treat post-traumatic stress disorders;

(6) "Minor" means an individual who has not attained eighteen (18) years of age;

(7) "Post-traumatic stress disorder" has the same meaning as defined in the most recent publication of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) of the American Psychiatric Association; and

(8) "Serious bodily injury" means bodily injury that involves:

(A) A substantial risk of death;

(B) Protracted unconsciousness;

(C) Extreme physical pain;

(D) Protracted or obvious disfigurement; or

(E) Protracted loss or substantial impairment of a bodily member, organ, or mental faculty.

(c)(1) If a firefighter is diagnosed with post-traumatic stress disorder by a mental health professional as a result of responding to one (1) or more incidents with at least one (1) of the factors listed under subdivisions (c)(2)(A)-(D), then the injury is presumed to have been incurred in the line of duty and is compensable under the Workers' Compensation Law, compiled in title 50, chapter 6, unless it is shown by a preponderance of the evidence that the post-traumatic stress disorder was caused by non-service-connected risk factors or non-service-connected exposure.

(2) The factors to be considered for purposes of determining whether an injury is presumed to have been incurred in the line of duty are as follows:

(A) Directly witnessing the death of a minor, or treating the injury of a minor, who subsequently died before or upon arrival at a hospital emergency department;

(B) Directly witnessing an individual whose death involved a serious bodily injury of a nature that shocks the conscience;

(C) Responding to an event where there was a victim with a serious bodily injury that shocks the conscience; or

(D) Responding to an event where a responder, co-worker of a responder, or family member of a responder sustained a serious bodily injury or died.

(d) This section applies to a firefighter who is diagnosed with post-traumatic stress disorder within one (1) year of the firefighter's final date of employment with the employer fire department.

(e) A mental condition resulting solely from disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by the employer is not considered an injury sustained in the line of duty under this section.

SECTION 2. Tennessee Code Annotated, Title 50, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Department" means the department of labor and workforce development;

(2) "Employer" means a municipality, county, metropolitan form of government, or other political subdivision of this state that employs firefighters;

(3) "Fire department":

(A) Means a department of a municipality, county, or political subdivision, or an organization, agency, or entity that offers its services, for or without pay, for the purpose of suppressing fires, performing rescue services, or for other emergency response purposes; and

(B) Does not include law enforcement agencies, emergency medical agencies licensed by the Tennessee emergency medical services board, and rescue squads that do not provide fire protection;

(4) "Firefighter":

(A) Means a regular or full-time, paid employee of the fire department of a municipality, county, municipal form of government, or other political subdivision of this state and whose duties require the employee to actively engage in fire suppression, rescue services, or other emergency response tasks; and

(B) Includes employees whose previous duties required the employee to respond to and be actively engaged in fire suppression, rescue services, or other emergency response tasks;

(5) "Mental health professional" means an individual professionally licensed in this state to diagnose and treat post-traumatic stress disorders; and

(6) "Post-traumatic stress disorder" has the same meaning as defined in the most recent publication of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) of the American Psychiatric Association.

(b) The department shall establish and administer a grant program to mitigate the costs to an employer of providing workers' compensation for firefighters diagnosed with post-traumatic stress disorder by a mental health professional.

(c) The department shall utilize existing staff to assist in the implementation of the program and provide grant funding from whatever funding sources are available, including available department funds and funds from the federal and state governments.

(d) The department shall administer the program pursuant to rules promulgated by the department. The rules must provide for the awarding of grants to employers, or to the workers' compensation benefits provider of employers, who apply for a grant and meet the requirements described in subdivision (e)(1), which must be verified by the state fire marshal's office.

(e)(1) The department may award an employer a grant if the employer provides mental health awareness training for its personnel, which must include:

(A) Understanding the signs and symptoms of stress, depression, anxiety, psychological trauma, complex trauma, and addiction;

(B) Understanding, navigating, and reducing mental health stigma;

(C) Utilizing appropriate de-escalation strategies; and

(D) Managing stress, using self-care techniques, developing coping skills, and promoting resiliency.

(2) An employer may develop the mental health awareness training described in subdivision (e)(1), or may use a training program developed by another entity that satisfies the criteria set forth in subdivision (e)(1).

(f) The employer shall grant a firefighter who receives mental health awareness training in accordance with subsection (e) appropriate continuing education credits.

(g) The department shall annually provide a report, on or before February 1 each year, to the chairs of the state and local government committee of the senate and the local government committee of the house of representatives. The report must include an analysis of the number of claims brought under Section 1, the portion of those claims that resulted in a settlement or award of benefits, the effect of this section on costs to this state and its political subdivisions, and the balance of funds available for future claims.

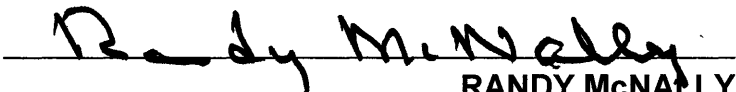
(h) This section is repealed December 31, 2028.

SECTION 3. The department of labor and workforce development is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2024, the public welfare requiring it.


SENATE BILL NO. 856

PASSED: April 21, 2023

  
Randy McNally  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
Cameron Sexton  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 17<sup>th</sup> day of May 2023

  
Bill Lee  
BILL LEE, GOVERNOR