
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1633 Session of 2001

INTRODUCED BY PERZEL, THOMAS, READSHAW, ARMSTRONG, BASTIAN,
BUNT, CAPPELLI, L. I. COHEN, CREIGHTON, DiGIROLAMO, FEESE,
FLICK, GANNON, LEWIS, McILHATTAN, NAILOR, O'BRIEN, ROSS,
SATHER, J. TAYLOR, WOGAN, BISHOP, BUTKOVITZ, CORRIGAN, DIVEN,
FRANKEL, M. BAKER, KENNEY, HUTCHINSON, HARHAI, KAISER,
KELLER, LAUGHLIN, MANN, MAYERNIK, McGEEHAN, SOLOBAY, SURRA,
TIGUE, WATERS, SEMMEL, SAYLOR, J. EVANS, WOJNAROSKI, DALEY,
LESCOVITZ, COY, BROWNE, ALLEN, McCALL, DALLY, FICHTER, HESS,
GEIST, KREBS, CALTAGIRONE, E. Z. TAYLOR, MACKERETH, DeLUCA,
STABACK, YUDICHAK, HORSEY, R. MILLER, PALLONE, JAMES,
S. H. SMITH, SAMUELSON, WILT, WALKO, HENNESSEY, PIPPY,
TRELLO, HERMAN, McNAUGHTON, LEH, FREEMAN, McILHINNEY, WATSON,
DAILEY, RUBLEY, MANDERINO, YOUNGBLOOD, COSTA, BELFANTI,
HASAY, MELIO, CRUZ, J. WILLIAMS AND McGILL, MAY 21, 2001

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
DECEMBER 10, 2001

AN ACT

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

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

11 Section 1. Section 108(m) of the act of June 2, 1915
12 (P.L.736, No.338), known as the Workers' Compensation Act,
13 reenacted and amended June 21, 1939 (P.L.520, No.281) and
14 amended July 9, 1976 (P.L.935, No.180), is amended and the

1 section is amended by adding a clause to read:

2 Section 108. The term "occupational disease," as used in
3 this act, shall mean only the following diseases.

4 * * *

5 (m) Tuberculosis, serum hepatitis [or], infectious hepatitis
6 or hepatitis C in the occupations of blood processors,
7 fractionators, nursing, or auxiliary services involving exposure
8 to such diseases.

9 (m.1) Hepatitis C in the occupations of professional and
10 volunteer firefighters, volunteer ambulance corp personnel,
11 volunteer rescue and lifesaving squad personnel, emergency
12 medical services personnel and paramedics, Pennsylvania State
13 Police officers, police officers requiring certification under
14 53 Pa.C.S. Ch. 21 (relating to employees), and Commonwealth and
15 county correctional employes, and forensic security employes of
16 the Department of Public Welfare, having duties including care,
17 custody and control of inmates involving exposure to such
18 disease. Hepatitis C in any of these occupations shall establish
19 a presumption that such disease is an occupational disease
20 within the meaning of this act, but this presumption shall not
21 be conclusive and may be rebutted. This presumption shall be
22 rebutted if:

23 ~~(1) the employer has established an employment screening IF~~
24 THE EMPLOYER HAS ESTABLISHED AN EMPLOYMENT SCREENING program, in
25 accordance with guidelines established by the department in
26 coordination with the Department of Health and the Pennsylvania
27 Emergency Management Agency and published in the Pennsylvania
28 Bulletin, and testing pursuant to that program establishes that
29 the employe incurred the Hepatitis C virus prior to any job-
30 related exposure.

1 ~~(2) the employer has established an incident reporting~~ <—
2 ~~system, in accordance with guidelines established by the~~
3 ~~department in coordination with the Department of Health and the~~
4 ~~Pennsylvania Emergency Management Agency and published in the~~
5 ~~Pennsylvania Bulletin, and the employe did not report any~~
6 ~~incident that based upon reasonable medical certainty was~~
7 ~~capable of causing an exposure to the Hepatitis C Virus; or~~

8 ~~(3) the employer has established a Hepatitis C testing~~
9 ~~program, in accordance with guidelines established by the~~
10 ~~department in coordination with the Department of Health and the~~
11 ~~Pennsylvania Emergency Management Agency and published in the~~
12 ~~Pennsylvania Bulletin, and the test failed to disclose the~~
13 ~~presence of the Hepatitis C virus in the employe within a~~
14 ~~reasonable time after any exposure.~~

15 * * *

16 Section 2. This act shall take effect in ~~60 days~~ <—
17 IMMEDIATELY. <—