
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1732 Session of
2021

INTRODUCED BY RYAN, GAYDOS, STRUZZI, DRISCOLL, MATZIE, HILL-
EVANS, HOHENSTEIN, ISAACSON, STAATS, SCHLOSSBERG, McNEILL,
THOMAS, HAMM AND CIRESI, JULY 21, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JULY 21, 2021

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.