AN ACT

Amending the act of June 24, 1976 (P.L.424, No.101), entitled "An act providing for the payment of death benefits to the surviving spouse or children or parents of firefighters, ambulance service or rescue squad members, law enforcement officers or National Guard members who die as a result of the performance of their duties," further providing for death benefits relating to COVID-19 and for definitions.

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

Section 1. Section 1 of the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, is amended by adding a subsection to read:

(A) IN THE EVENT A LAW ENFORCEMENT OFFICER, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER, FIREFIGHTER, CERTIFIED HAZARDOUS MATERIAL RESPONSE TEAM MEMBER, MEMBER OF THE PENNSYLVANIA CIVIL AIR PATROL OR NATIONAL GUARD MEMBER DIES AS A RESULT OF THE PERFORMANCE OF HIS OR HER DUTIES, AN APPLICATION, INCLUDING A CERTIFICATION OF DEATH, SHALL BE MADE TO THE
DEPARTMENT WITHIN THREE YEARS OF THE DATE OF SUCH DEATH BY ANY
OF THE FOLLOWING:

(1) A POLITICAL SUBDIVISION.

(2) A COMMONWEALTH AGENCY.

(3) IN THE CASE OF NATIONAL GUARD MEMBERS, THE ADJUTANT
GENERAL.

(4) IN THE CASE OF A MEMBER OF A COMMONWEALTH LAW
ENFORCEMENT AGENCY, THE AGENCY HEAD.

(5) IN THE CASE OF A CAMPUS POLICE OFFICER, THE UNIVERSITY
OR COLLEGE PRESIDENT.

(6) ANY SURVIVOR ELIGIBLE FOR PAYMENT OF BENEFITS UNDER THIS
ACT OR INDIVIDUAL AUTHORIZED TO ACT ON THE SURVIVOR'S BEHALF.

(7) IN THE CASE OF THE PENNSYLVANIA CIVIL AIR PATROL, THE
STATE COMMANDER.

(A.1) A FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD
MEMBER, LAW ENFORCEMENT OFFICER, CERTIFIED HAZARDOUS MATERIAL
RESPONSE TEAM MEMBER, MEMBER OF THE PENNSYLVANIA CIVIL AIR
PATROL OR NATIONAL GUARD MEMBER WHO SUFFERS A FATAL HEART ATTACK
OR STROKE WHILE ON DUTY OR NOT LATER THAN 24 HOURS AFTER
PARTICIPATING IN A PHYSICAL TRAINING EXERCISE OR RESPONDING TO
AN EMERGENCY IS PRESUMED TO HAVE DIED AS A RESULT OF THE
PERFORMANCE OF HIS OR HER DUTIES FOR PURPOSES OF THIS ACT.

(B) A VOLUNTEER FIREFIGHTER SHALL BE DEEMED TO BE ACTING IN
THE PERFORMANCE OF HIS OR HER DUTIES FOR THE PURPOSES OF THIS
ACT GOING TO OR DIRECTLY RETURNING FROM A FIRE WHICH THE FIRE
COMPANY OR FIRE DEPARTMENT ATTENDED INCLUDING TRAVEL FROM AND
DIRECT RETURN TO A FIREFIGHTER'S HOME, PLACE OF BUSINESS OR
OTHER PLACE WHERE HE OR SHE SHALL HAVE BEEN WHEN HE OR SHE
RECEIVED THE CALL OR ALARM OR WHILE PARTICIPATING IN INSTRUCTION
FIRE DRILLS IN WHICH THE FIRE DEPARTMENT OR FIRE COMPANY SHALL
HAVE PARTICIPATED OR WHILE REPAIRING OR DOING OTHER WORK ABOUT
OR ON THE FIRE APPARATUS OR BUILDINGS AND GROUNDS OF THE FIRE
COMPANY OR FIRE DEPARTMENT UPON THE AUTHORIZATION OF THE CHIEF
OF THE FIRE COMPANY OR FIRE DEPARTMENT OR OTHER PERSON IN CHARGE
OR WHILE ANSWERING ANY EMERGENCY CALLS FOR ANY PURPOSE OR WHILE
RIDING UPON THE FIRE APPARATUS WHICH IS OWNED OR USED BY THE
FIRE COMPANY OR FIRE DEPARTMENT OR WHILE PERFORMING ANY OTHER
DUTIES OF SUCH FIRE COMPANY OR FIRE DEPARTMENT AS AUTHORIZED BY
THE MUNICIPALITY OR WHILE PERFORMING DUTIES IMPOSED BY SECTION
15, ACT OF APRIL 27, 1927 (P.L.465, NO.299), REFERRED TO AS THE
FIRE AND PANIC ACT.

(C) A VOLUNTEER AMBULANCE SERVICE, CERTIFIED HAZARDOUS
MATERIAL RESPONSE TEAM OR RESCUE SQUAD MEMBER OR MEMBER OF THE
PENNSYLVANIA CIVIL AIR PATROL SHALL BE DEEMED TO BE ACTING IN
THE PERFORMANCE OF HIS OR HER DUTIES FOR THE PURPOSES OF THIS
ACT GOING TO OR DIRECTLY RETURNING FROM AN EMERGENCY WHICH THE
AMBULANCE SERVICE, CERTIFIED HAZARDOUS MATERIAL RESPONSE TEAM,
RESCUE SQUAD OR MEMBER OF THE PENNSYLVANIA CIVIL AIR PATROL
ATTENDED INCLUDING TRAVEL FROM AND DIRECT RETURN TO AN AMBULANCE
SERVICE, CERTIFIED HAZARDOUS MATERIAL RESPONSE TEAM, RESCUE
SQUAD OR PENNSYLVANIA CIVIL AIR PATROL MEMBER'S HOME, PLACE OF
BUSINESS OR OTHER PLACE WHERE HE OR SHE SHALL HAVE BEEN WHEN HE
OR SHE RECEIVED THE CALL OR ALARM OR WHILE PARTICIPATING IN
DRILLS IN WHICH THE AMBULANCE SERVICE, CERTIFIED HAZARDOUS
MATERIAL RESPONSE TEAM, RESCUE SQUAD OR PENNSYLVANIA CIVIL AIR
PATROL SHALL HAVE PARTICIPATED OR WHILE REPAIRING OR DOING OTHER
WORK ABOUT OR ON ANY EMERGENCY VEHICLE OR BUILDINGS AND GROUNDS
OF THE AMBULANCE SERVICE, CERTIFIED HAZARDOUS MATERIAL RESPONSE
TEAM, RESCUE SQUAD OR PENNSYLVANIA CIVIL AIR PATROL UPON THE
AUTHORIZATION OF THE CHIEF OF THE AMBULANCE SERVICE, CERTIFIED
HAZARDOUS MATERIAL RESPONSE TEAM, RESCUE SQUAD OR PENNSYLVANIA CIVIL AIR PATROL OR OTHER PERSON IN CHARGE WHILE ANSWERING ANY EMERGENCY CALLS FOR ANY PURPOSE OR WHILE RIDING UPON ANY VEHICLES WHICH ARE OWNED OR USED BY THE AMBULANCE SERVICE, CERTIFIED HAZARDOUS MATERIAL RESPONSE TEAM, RESCUE SQUAD OR PENNSYLVANIA CIVIL AIR PATROL.

(D) UPON RECEIPT OF SUCH CERTIFICATION, THE COMMONWEALTH SHALL, FROM MONEYS PAYABLE OUT OF THE GENERAL FUND, PAY TO THE SURVIVING SPOUSE OR, IF THERE IS NO SURVIVING SPOUSE, TO THE MINOR CHILDREN OF THE PAID FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER OR LAW ENFORCEMENT OFFICER WHO DIED AS A RESULT OF THE PERFORMANCE OF HIS OR HER DUTY THE SUM OF $100,000, ADJUSTED IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION AND AN AMOUNT EQUAL TO THE MONTHLY SALARY, ADJUSTED IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION, OF THE DECEASED PAID FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER OR LAW ENFORCEMENT OFFICER, LESS ANY WORKERS' COMPENSATION OR PENSION OR RETIREMENT BENEFITS PAID TO SUCH SURVIVORS, AND SHALL CONTINUE SUCH MONTHLY PAYMENTS UNTIL THERE IS NO ELIGIBLE BENEFICIARY TO RECEIVE THEM. FOR THE PURPOSE OF THIS SUBSECTION, THE TERM "ELIGIBLE BENEFICIARY" MEANS THE SURVIVING SPOUSE OR THE CHILD OR CHILDREN UNDER THE AGE OF EIGHTEEN YEARS OR, IF ATTENDING COLLEGE, UNDER THE AGE OF TWENTY-THREE YEARS, OF THE FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER OR LAW ENFORCEMENT OFFICER WHO DIED AS A RESULT OF THE PERFORMANCE OF HIS OR HER DUTY. WHEN NO SPOUSE OR MINOR CHILDREN SURVIVE, A SINGLE SUM OF $100,000, ADJUSTED IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION, SHALL BE PAID TO THE PARENT OR PARENTS OF SUCH FIREFIGHTER, AMBULANCE SERVICE MEMBER, RESCUE SQUAD MEMBER OR LAW ENFORCEMENT OFFICER.
(E) The Commonwealth of Pennsylvania shall pay out of the general fund to the surviving spouse or, if there is no surviving spouse, the minor children of a National Guard member, certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance service or rescue squad member who died as a result of the performance of his or her duties the sum of $100,000, adjusted in accordance with subsection (F) of this section. When no spouse or minor children survive, the benefit shall be paid to the parent or parents of such National Guard member, certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance service or rescue squad member. The benefit shall be payable whether or not the National Guard member or certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance service or rescue squad member died as a result of the performance of his or her duty within the Commonwealth of Pennsylvania.

(F) On July 1, 2006, and each July 1 thereafter, the Commonwealth shall adjust the level of the benefit payable immediately before July 1 under subsections (D) and (E) of this section to reflect the annual percentage change in the Consumer Price Index for All Urban Consumers, published by the United States Department of Commerce, Bureau of Labor Statistics, occurring in the one-year period ending on January 1 immediately preceding July 1.

(G) A National Guard member shall be deemed to be acting in the performance of his or her duties for the purposes of this act when:

(1) His or her death occurs in an official duty status
AUTHORIZED UNDER 51 PA.C.S. § 508 (RELATING TO ACTIVE STATE
DUTY FOR EMERGENCY); OR

(2) GOING DIRECTLY TO OR FROM THE PLACE OF SUCH DUTIES.

(h) If a law enforcement officer, ambulance service or
rescue squad member, firefighter, certified hazardous material
response team member, member of the Pennsylvania Civil Air
Patrol or National Guard member dies from COVID-19 on or after
March 6, 2020, it shall be presumed that the individual
contracted COVID-19 while acting in the performance of his
duties for the purposes of this act.

Section 2. The following words and phrases when used in this
act shall have the meanings given to them in this section unless
the context clearly indicates otherwise:

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"COVID-19" means the novel coronavirus as identified in the
Governor's Proclamation of Disaster Emergency issued on March 6,

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Section 3. This act shall take effect immediately.