

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 251

Session of
1991

INTRODUCED BY STISH, JAROLIN, DALEY, BELFANTI, GIGLIOTTI,
HALUSKA, TANGRETTI, WOZNIAK, STUBAN, CORRIGAN, VEON, LUCYK,
LAUGHLIN, TRELLO, MELIO, KOSINSKI, PESCI AND KASUNIC,
FEBRUARY 5, 1991

REFERRED TO COMMITTEE ON LABOR RELATIONS, FEBRUARY 5, 1991

AN ACT

1 Amending the act of June 21, 1939 (P.L.566, No.284), entitled
2 "An act defining the liability of an employer to pay damages
3 for occupational disease contracted by an employe arising out
4 of and in the course of employment; establishing an elective
5 schedule of compensation; providing procedure for the
6 determination of liability and compensation thereunder;
7 imposing duties on the Department of Labor and Industry, the
8 Workmen's Compensation Board, Workmen's Compensation
9 Referees, and deans of medical schools; creating a medical
10 board to determine controverted medical issues; establishing
11 an Occupational Disease Fund in custody of the State
12 Workmen's Insurance Board; imposing upon the Commonwealth a
13 part of the compensation payable for certain occupational
14 diseases; making an appropriation; and prescribing
15 penalties," further providing for compensation for disability
16 from beryllium poisoning.

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

19 Section 1. Section 301(i) of the act of June 21, 1939
20 (P.L.566, No.284), known as The Pennsylvania Occupational
21 Disease Act, amended November 28, 1969 (P.L.312, No.134), is
22 amended to read:

23 Section 301. * * *

24 (i) (1) Notwithstanding any other provisions of this act,

1 compensation for silicosis, anthraco-silicosis, coal worker's
2 pneumoconiosis, [and] asbestosis and poisoning by beryllium, its
3 preparations or compounds, shall be paid for each month
4 beginning with the month this amending act becomes effective, or
5 beginning with the first month of disability, whichever occurs
6 later, at the rate of seventy-five dollars (\$75) per month, to
7 every employe totally disabled thereby as a result of exposure
8 thereto, who has not theretofore been compensated because his
9 claim was barred by any of the time limitations prescribed by
10 this act, and shall continue during the period of such total
11 disability. No compensation under this section shall be paid to
12 any employe who has not been exposed to a silica, coal, or
13 asbestos hazard within the Commonwealth of Pennsylvania for a
14 period of two years. Subsequent to the effective date of this
15 amending act of 1969, it shall be necessary to be a resident of
16 Pennsylvania in order to qualify for compensation, but not to
17 continue receiving the same after qualification. All such
18 compensation to those whose last exposure precedes the effective
19 date of this amending act shall be paid by the Commonwealth.
20 Employes whose last exposure follows the effective date of this
21 amending act and who become entitled to the compensation
22 provided by this subsection shall be paid as provided by this
23 act.

24 (2) An application for compensation under this subsection
25 shall not be accepted from any person who, during the preceding
26 six months has been determined to be ineligible hereunder.

27 (3) Every application shall be accompanied by two prints of
28 the same recent photograph of the applicant, and such other
29 proof of identity as the board shall require. One of the prints
30 shall be stamped by the board and returned to the applicant, who

1 shall deliver it to the physician at the time of examination.

2 The physician shall attach the print to his report to the board.

3 * * *

4 Section 2. This act shall take effect immediately.