
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1756 Session of
2005

INTRODUCED BY GEORGE, BELFANTI, DeWEESE, BELARDI, BIANCUCCI,
BISHOP, CALTAGIRONE, CAWLEY, CRUZ, DeLUCA, DERMODY, FREEMAN,
GOODMAN, HARHAI, JAMES, KOTIK, LaGROTTA, LEACH, MARKOSEK,
McGEEHAN, PETRARCA, PHILLIPS, PISTELLA, RAMALEY, SHANER,
THOMAS, TIGUE, WALKO, WOJNAROSKI AND YOUNGBLOOD,
JUNE 21, 2005

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
JUNE 21, 2005

AN ACT

1 Authorizing payments to certain persons with occupational
2 respiratory disease; establishing the Occupational
3 Respiratory Disease Interim Coverage Fund; providing for the
4 powers and duties of the Department of Health; and making an
5 appropriation.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Occupational
10 Respiratory Disease Act.

11 Section 2. Definitions.

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

15 "Master Settlement Agreement." The settlement agreement and
16 related documents entered into on November 23, 1998, by the
17 Commonwealth and leading United States tobacco product

1 manufacturers and approved by the court in Commonwealth v.
2 Philip Morris, April Term 1997, No. 2443 (C.P. Philadelphia
3 County), on January 13, 1999.

4 "Occupational respiratory disease." Coal workers
5 pneumoconiosis or a related respiratory disease caused by
6 inhaling coal dust or other harmful airborne particles for
7 prolonged periods in an occupational setting.
8 Section 3. Payment for persons with occupational respiratory
9 disease.

10 The Department of Health shall utilize a portion of the funds
11 received by the Commonwealth from the Master Settlement
12 Agreement to provide grants to assist persons medically
13 diagnosed as suffering from an occupational respiratory disease
14 or their survivors, but who have been denied a claim for
15 benefits under the Black Lung Benefits Act (Public Law 91-173,
16 30 U.S.C. § 901 et seq.), the act of June 2, 1915 (P.L.736,
17 No.338), known as the Workers' Compensation Act and the Social
18 Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), at least,
19 in part, because the condition was also determined to have been
20 the result of smoking.

21 Section 4. Eligibility.

22 An individual with occupational respiratory disease or his
23 survivor shall be eligible for a grant if the individual:

24 (1) has been medically diagnosed as suffering from an
25 occupational respiratory disease as a result of prolonged
26 occupational exposure to coal dust or other harmful airborne
27 particles; and

28 (2) was denied a claim for benefits under the Black Lung
29 Benefits Act (Public Law 91-173, 30 U.S.C. § 901 et seq.),
30 the act of June 2, 1915 (P.L.736, No.338), known as the

Workers' Compensation Act and the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), at least, in part, because his condition was also determined to have been the result of smoking.

Section 5. Occupational Respiratory Disease Interim Coverage Fund.

The Occupational Respiratory Disease Interim Coverage Fund is hereby established as a separate fund in the State Treasury. The moneys of the fund are appropriated on a continuing basis to carry out the provisions of this act.

Section 6. Regulations.

The Department of Health shall administer this act and shall promulgate rules, regulations and standards for its proper enforcement and administration.

Section 7. Appropriation.

The sum of \$4,000,000 is hereby appropriated from the moneys received by the Commonwealth from the Master Settlement Agreement and shall be transferred to the Occupational Respiratory Disease Interim Coverage Fund to carry out the provisions of this act.

Section 8. Effective date.

This act shall take effect as follows:

(1) Section 7 shall take effect July 1, 2005, or immediately, whichever is later.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.