

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1138 Session of
2007

INTRODUCED BY PUNT, O'PAKE, RAFFERTY, ERICKSON, FONTANA, ORIE,
BOSCOLA, GREENLEAF, WAUGH, KITCHEN, TARTAGLIONE, COSTA,
BAKER, WASHINGTON, LAVALLE, DINNIMAN, M. WHITE, PILEGGI,
PIPPY AND ROBBINS, NOVEMBER 5, 2007

REFERRED TO LABOR AND INDUSTRY, NOVEMBER 5, 2007

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.1) 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 added
14 December 20, 2001 (P.L.967, No.115), is amended to read:

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

17 * * *

18 (m.1) Hepatitis C in the occupations of professional and
19 volunteer firefighters, volunteer ambulance corps personnel,
20 volunteer rescue and lifesaving squad personnel, emergency

1 medical services personnel and paramedics, Pennsylvania State
2 Police officers, sheriffs and deputy sheriffs, police officers
3 requiring certification under 53 Pa.C.S. Ch. 21 (relating to
4 employees), and Commonwealth and county correctional employes,
5 and forensic security employes of the Department of Public
6 Welfare, having duties including care, custody and control of
7 inmates involving exposure to such disease. Hepatitis C in any
8 of these occupations shall establish a presumption that such
9 disease is an occupational disease within the meaning of this
10 act, but this presumption shall not be conclusive and may be
11 rebutted. This presumption shall be rebutted if the employer has
12 established an employment screening program, in accordance with
13 guidelines established by the department in coordination with
14 the Department of Health and the Pennsylvania Emergency
15 Management Agency and published in the Pennsylvania Bulletin,
16 and testing pursuant to that program establishes that the
17 employe incurred the Hepatitis C virus prior to any job-related
18 exposure.

19 * * *

20 Section 2. This act shall take effect in 60 days.