

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1181 Session of 2009

INTRODUCED BY CASORIO, COHEN, BAKER, BARRAR, BELFANTI, BRENNAN, CALTAGIRONE, CUTLER, DeLUCA, DePASQUALE, FLECK, GEORGE, GERGELY, GOODMAN, GROVE, GRUCELA, HARHAI, HARKINS, HESS, JOSEPHS, MAHONEY, MANN, MILLER, MUNDY, MURT, M. O'BRIEN, PALLONE, PETRARCA, PRESTON, READSHAW, REICHLEY, SCAVELLO, SIPTROTH, STABACK, YOUNGBLOOD, HUTCHINSON, VULAKOVICH, WALKO, EVERETT, KULA AND GIBBONS, APRIL 3, 2009

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 3, 2009

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

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

25 * * *

26 Section 2. This act shall apply to all claims arising on or
27 after the effective date of the amendment of section 108(m.1) of
28 the act.

29 Section 3. This act shall take effect in 60 days.