

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 775 Session of  
2021

---

INTRODUCED BY BARTOLOTTA, REGAN, SCAVELLO, L. WILLIAMS, COSTA,  
BAKER, SABATINA, ARGALL, MUTH, KANE, FONTANA, BREWSTER,  
TOMLINSON, ROBINSON, YUDICHAK, BOSCOLA, YAW AND CAPPELLETTI,  
JUNE 16, 2021

---

REFERRED TO LABOR AND INDUSTRY, JUNE 16, 2021

---

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled "An  
2 act defining the liability of an employer to pay damages for  
3 injuries received by an employe in the course of employment;  
4 establishing an elective schedule of compensation; providing  
5 procedure for the determination of liability and compensation  
6 thereunder; and prescribing penalties," in interpretation and  
7 definitions, further providing for definitions; and, in  
8 liability and compensation, further providing for  
9 compensation for post-traumatic stress injury.

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

12 Section 1. Section 109 of the act of June 2, 1915 (P.L.736,  
13 No.338), known as the Workers' Compensation Act, is amended by  
14 adding definitions to read:

15 Section 109. In addition to the definitions set forth in  
16 this article, the following words and phrases when used in this  
17 act shall have the meanings given to them in this section unless  
18 the context clearly indicates otherwise:

19 \* \* \*

20 "First responder" means an individual who is a professional

1 or volunteer firefighter, a member of a volunteer ambulance  
2 corps, a member of a volunteer rescue and lifesaving squad, an  
3 emergency medical services employee, a paramedic, a Pennsylvania  
4 State Police officer or a peace officer as defined in 18 Pa.C.S.  
5 § 501 (relating to definitions).

6 \* \* \*

7 "Post-traumatic stress injury" shall have the meaning given  
8 in 35 Pa.C.S. § 75A01 (relating to definitions).

9 \* \* \*

10 Section 2. Section 301 of the act is amended by adding a  
11 subsection to read:

12 Section 301. \* \* \*

13 (g) (1) A post-traumatic stress injury suffered by a first  
14 responder shall be established by a preponderance of the  
15 evidence that the injury resulted from a normal or abnormal  
16 working condition and was sustained in the course and scope of  
17 the individual's employment as a first responder.

18 (2) A post-traumatic stress injury suffered by an individual  
19 under paragraph (1) shall be based on an examination and  
20 diagnosis by a psychologist or psychiatrist duly licensed under  
21 the laws of this Commonwealth.

22 (3) A claim for a post-traumatic stress injury must be filed  
23 within three years of the date of a diagnosis under paragraph  
24 (2).

25 (4) When a post-traumatic stress injury is diagnosed after  
26 the last date of employment, paragraph (1) shall not be  
27 construed to prohibit a claim against the employer of the  
28 claimant at the time of the direct exposure to the traumatic  
29 event which caused the injury.

30 (5) For purposes of this subsection, a post-traumatic stress

1 injury suffered as a result of an employment action, including  
2 disciplinary action, job or performance evaluation, job  
3 transfers or employment termination, shall not be compensable.

4 Section 3. The amendment or addition of sections 109 and  
5 301(g) of the act shall apply to claims filed on or after the  
6 effective date of this section.

7 Section 4. This act shall take effect in 60 days.