

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1632 Session of 2023

INTRODUCED BY O'MARA, SOLOMON, GILLEN, KHAN, SCOTT, BRENNAN, RIGBY, SCHLOSSBERG, McNEILL, HILL-EVANS, PIELLI, MADDEN, HANBIDGE, DELLOSO, HOWARD, SANCHEZ, D. MILLER, STURLA, WARREN, GUENST, STENDER, KINSEY, CEPEDA-FREYTIZ, D. WILLIAMS, MALAGARI, CERRATO, KRAJEWSKI, GREEN, CIRESI, OTTEN, SHUSTERMAN, BOROWSKI, GIRAL, KINKEAD, CURRY, T. DAVIS, KAZEEM AND PISCIOTTANO, AUGUST 29, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 29, 2024

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, providing for compensation for
9 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:

1 * * *

2 "First responder" means any of the following public servants:

3 (1) An emergency medical services provider or EMS provider,
4 as defined in 35 Pa.C.S. § 8103 (relating to definitions), WHO <--
5 IS AN ACTIVE VOLUNTEER, EMPLOYE OR MEMBER OF AN EMS COMPANY THAT
6 IS:

7 (I) DESIGNATED BY A MUNICIPALITY AS THE MUNICIPALITY'S
8 PRIMARY EMS PROVIDER; OR

9 (II) DISPATCHED BY A PUBLIC SAFETY ANSWERING POINT AS
10 DEFINED IN 35 PA.C.S. § 5302 (RELATING TO DEFINITIONS) OR
11 PURSUANT TO A MUTUAL AID AGREEMENT UNDER 35 PA.C.S. § 7504
12 (RELATING TO COORDINATION, ASSISTANCE AND MUTUAL AID).

13 (2) An active volunteer, employe or member of a fire
14 company, as defined in 35 Pa.C.S. § 7802 (relating to
15 definitions).

16 (3) A Pennsylvania State Police officer.

17 (4) A peace officer as defined in 18 Pa.C.S. § 501 (relating
18 to definitions).

19 * * *

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

22 * * *

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

25 Section 301. * * *

26 (g) (1) A claim for a post-traumatic stress injury suffered
27 by a first responder shall establish that the injury was
28 sustained in the course and scope of the individual's employment
29 as a first responder. A post-traumatic stress injury suffered by
30 a first responder does not need SHALL NOT BE REQUIRED to be the <--

1 result of an abnormal working condition ~~in order~~ to be A <--
2 compensable INJURY UNDER THIS ACT. <--

3 (2) A post-traumatic stress injury suffered by an individual
4 under paragraph (1) shall be based on assessment and diagnosis
5 by a licensed medical professional or a licensed mental health <--
6 professional whose scope of practice includes evaluation,
7 assessment and diagnostic privileges as outlined by the scope of
8 practice of the profession PSYCHOLOGIST OR PSYCHIATRIST under <--
9 the laws and regulations of this Commonwealth.

10 (3) A claim for a post-traumatic stress injury must be filed
11 within three years of the date of a diagnosis under paragraph
12 (2).

13 (4) When a post-traumatic stress injury is diagnosed after
14 the last date of employment, paragraph (1) shall not be
15 construed to prohibit a claim against the employer of the
16 claimant at the time of the ~~direct~~ exposure to the traumatic <--
17 event OR EVENTS which caused the injury. <--

18 (5) For purposes of this subsection, a post-traumatic stress
19 injury suffered as a result of an ~~employment action, including~~ <--
20 disciplinary action, job or performance evaluation, job
21 transfers or employment termination, shall not be compensable.

22 Section 3. The amendment or addition of sections 109 and
23 301(g) of the act shall apply to claims filed on or after the
24 effective date of ~~this section~~. SECTION 301(G) OF THE ACT. <--

25 Section 4. This act shall take effect ~~in 60 days~~. AS <--
26 FOLLOWS:

27 (1) THE AMENDMENT OR ADDITION OF SECTIONS 109 AND 301(G)
28 OF THE ACT SHALL TAKE EFFECT IN ONE YEAR.

29 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
30 IMMEDIATELY.