

**ENFORCEMENT OFFICER DISABILITY BENEFITS LAW (HEART AND LUNG
ACT)**

Act of Jun. 28, 1935, P.L. 477, No. 193

Cl. 44

AN ACT

Providing for the payment of the salary, medical and hospital expenses of certain employes of State and local government who are injured or contract certain diseases in the performance of their duty; and providing that absence during such injury shall not reduce any usual sick leave period. (Title amended Oct. 26, 2016, P.L.908, No.113 and Nov. 4, 2016, P.L.1140, No.145)

Compiler's Note: The amendments of the title by Acts 113 and 145 do not conflict in substance and, under the provisions of 1 Pa.C.S. § 1954, have been merged in setting forth the text of the title.

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

Section 1. (a) Be it enacted, &c., That:

- (1) any member of the State Police Force;
- (2) any enforcement officer or investigator employed by the Pennsylvania Liquor Control Board;
- (3) the parole agents, enforcement officers and investigators of the Pennsylvania Board of Probation and Parole;
- (4) Capitol Police officers;
- (5) correction employes employed by the Department of Corrections, whose principal duty is the care, custody and control of inmates;
- (6) psychiatric security aides employed by the Department of Human Services and the Department of Corrections, whose principal duty is the care, custody, and control of the criminally insane;
- (7) drug enforcement agents of the Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth;
- (8) special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth;
- (9) any member of the Delaware River Port Authority Police;
- (10) any policeman, fireman or park guard of any county, city, borough, town or township;
- (10.1) firemen employed by the Commonwealth;
- (11) any sheriff or deputy sheriff; or
- (12) any enforcement officer or investigator of the Pennsylvania Game Commission or the Pennsylvania Fish and Boat Commission;

who is injured in the performance of his duties including, in the case of firemen, duty as special fire police, and by reason thereof is temporarily incapacitated from performing his duties, shall be paid by the Commonwealth of Pennsylvania if an employe identified under paragraph (1), (2), (3), (4), (5), (6), (7), (8) or (12) or by the Delaware River Port Authority if a member of the Delaware River Port Authority Police or by the county, township or municipality, by which he is employed, his full rate of salary, as fixed by ordinance or resolution, until the disability arising therefrom has ceased. All medical and hospital bills, incurred in connection with any such injury, shall be paid by the Commonwealth of Pennsylvania or by the

Delaware River Port Authority or by such county, city, township or municipality. During the time salary for temporary incapacity shall be paid by the Commonwealth of Pennsylvania or by the Delaware River Port Authority or by the county, city, borough, town or township, any workmen's compensation, received or collected by any such employe for such period, shall be turned over to the Commonwealth of Pennsylvania or to the Delaware River Port Authority or to such county, city, borough, town or township, and paid into the treasury thereof, and if such payment shall not be so made by the employe the amount so due the Commonwealth of Pennsylvania, the Delaware River Port Authority or the county, city, borough, town or township shall be deducted from any salary then or thereafter becoming due and owing.

(b) In the case of:

(1) the State Police Force;

(2) enforcement officers and investigators employed by the Pennsylvania Liquor Control Board;

(3) the parole agents, enforcement officers and investigators of the Pennsylvania Board of Probation and Parole;

(4) Capitol Police officers;

(5) correction employes employed by the Department of Corrections, whose principal duty is the care, custody and control of inmates;

(6) psychiatric security aides employed by the Department of Human Services and the Department of Corrections whose principal duty is the care, custody, and control of the criminally insane;

(7) drug enforcement agents of the Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth;

(8) special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth;

(9) members of the Delaware River Port Authority Police;

(10) salaried policemen and firemen;

(10.1) firemen employed by the Commonwealth;

(11) sheriffs and deputy sheriffs; and

(12) enforcement officers and investigators of the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission;

who have served for four consecutive years or longer, diseases of the heart and tuberculosis of the respiratory system, contracted or incurred by any of them after four years of continuous service as such, and caused by extreme overexertion in times of stress or danger or by exposure to heat, smoke, fumes or gases, arising directly out of the employment shall be compensable in accordance with the terms hereof; and unless any such disability shall be compensable under the compensation laws as having been caused by accidental injury, such disability shall be compensable as occupational disease disabilities are presently compensable under the compensation laws of this Commonwealth. It shall be presumed that tuberculosis of the respiratory system contracted or incurred after four consecutive years of service was contracted or incurred as a direct result of employment.

(c) In the case of any person receiving benefits pursuant to this act, the statutes of limitations set forth in sections 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act," shall not begin to run until the expiration of the receipt of benefits pursuant to this act.

(d) (1) All payments herein required to be made by the Commonwealth of Pennsylvania on account of any member of the State Police Force shall be made from moneys appropriated to the Pennsylvania State Police.

(2) Any payments required to be made on account of any enforcement officer or investigator employed by the Pennsylvania Liquor Control Board shall be made from appropriations out of the State Stores Fund.

(3) Any payments required to be made on account of any parole agent, enforcement officer or investigator employed by the Pennsylvania Board of Probation and Parole shall be made from moneys appropriated to the Pennsylvania Board of Probation and Parole.

(4) Any payments required to be made on account of Capitol Police officers shall be made from moneys appropriated to the Department of General Services.

(5) Any payments required to be made on account of any correction employe shall be made from moneys appropriated to the Department of Corrections.

(6) Any payments required to be made on account of any psychiatric security aides shall be made from moneys appropriated to the Department of Human Services or the Department of Corrections where appropriate.

(7) Any payments required to be made on account of any drug enforcement agent or special agents shall be made from moneys appropriated to the Office of Attorney General and any payments required to be made on account of any fireman employed by the Commonwealth shall be made from moneys appropriated to the employing agency.

(8) Any payments required to be made on account of any enforcement officers or investigators of the Pennsylvania Game Commission shall be made from moneys appropriated to the Pennsylvania Game Commission or executively authorized from the Game Fund under 34 Pa.C.S. Ch. 5 Subch. B (relating to Game Fund).

(9) Any payments required to be made on account of any enforcement officers or investigators of the Pennsylvania Fish and Boat Commission shall be made from moneys appropriated to the Pennsylvania Fish and Boat Commission or executively authorized from the Fish Fund under 30 Pa.C.S. Ch. 5 Subch. B (relating to the Fish Fund) or the Boat Fund under 30 Pa.C.S. Ch. 5 Subch. C (relating to the Boat Fund).

(1 amended Oct. 26, 2016, P.L.908, No.113 and Nov. 4, 2016, P.L.1140, No.145)

Compiler's Note: The amendments of section 1 by Acts 113 and 145 do not conflict in substance and, under the provisions of 1 Pa.C.S. § 1954, have been merged in setting forth the text of section 1.

Compiler's Note: The act of July 1, 1978, P.L.687, No.117 which amended section 1 also contained the following provision:

Section 3. For the purposes of this act, four years of consecutive or continuous service shall include service rendered prior to the effective date of this act.

Section 2. No absence from duty of any such policeman, sheriff, deputy sheriff, fireman or firemen employed by the Commonwealth by reason of any such injury shall in any manner be included in any period of sick leave, allowed such policeman, sheriff, deputy sheriff, fireman or firemen employed by the Commonwealth by law or by regulation of the police, sheriff's,

fire department, airport authority or city by which he is employed.

(2 amended Nov. 4, 2016, P.L.1140, No.145)

Section 2.1. For the purposes of this act, the term "fireman" shall mean and include the following:

(1) Paid firemen not employed by the Commonwealth.

(2) Emergency medical services personnel employed within a city fire department.

(3) Firemen of airport authorities, including fire suppression instructors.

(4) Fire and safety marshals who are firemen employed by the Commonwealth.

(5) Fire academy instructors employed at the State Fire Academy.

(6) Assistant fire marshals employed by the Commonwealth.

(7) Forest patrolmen and forest technicians employed by the Commonwealth.

(2.1 added Nov. 4, 2016, P.L.1140, No.145)

Section 3. All acts and parts of acts inconsistent with this act are hereby repealed.