

WORKERS' COMPENSATION ACT - AMEND OCCUPATIONAL DISEASE

Act of Dec. 20, 2001, P.L. 967, No. 115

Cl. 77

Session of 2001

No. 2001-115

HB 1633

AN ACT

Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as reenacted and amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," further defining "occupational disease."

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

Section 1. Section 108(m) of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, reenacted and amended June 21, 1939 (P.L.520, No.281) and amended July 9, 1976 (P.L.935, No.180), is amended and the section is amended by adding a clause to read:

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

* * *

(m) Tuberculosis, serum hepatitis [or], infectious hepatitis **or hepatitis C** in the occupations of blood processors, fractionators, nursing, or auxiliary services involving exposure to such diseases.

(m.1) Hepatitis C in the occupations of professional and volunteer firefighters, volunteer ambulance corps personnel, volunteer rescue and lifesaving squad personnel, emergency medical services personnel and paramedics, Pennsylvania State Police officers, police officers requiring certification under 53 Pa.C.S. Ch. 21 (relating to employees), and Commonwealth and county correctional employes, and forensic security employes of the Department of Public Welfare, having duties including care, custody and control of inmates involving exposure to such disease. Hepatitis C in any of these occupations shall establish a presumption that such disease is an occupational disease within the meaning of this act, but this presumption shall not be conclusive and may be rebutted. This presumption shall be rebutted if the employer has established an employment screening program, in accordance with guidelines established by the department in coordination with the Department of Health and the Pennsylvania Emergency Management Agency and published in the Pennsylvania Bulletin, and testing pursuant to that program establishes that the employe incurred the Hepatitis C virus prior to any job-related exposure.

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Section 2. This act shall take effect immediately.

APPROVED--The 20th day of December, A. D. 2001.

MARK S. SCHWEIKER