

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 699 Session of 2005

INTRODUCED BY O'BRIEN, BEBKO-JONES, BELARDI, BUNT, BUTKOVITZ, CALTAGIRONE, CAWLEY, CORRIGAN, DALEY, DALLY, GEIST, GEORGE, GINGRICH, GOOD, GOODMAN, HARHAI, JAMES, LEDERER, LESCOVITZ, READSHAW, SAYLOR, SCAVELLO, SOLOBAY, E. Z. TAYLOR, TIGUE, WALKO, YOUNGBLOOD, WASHINGTON AND KIRKLAND, MARCH 1, 2005

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 1, 2005

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
19 volunteer firefighters, volunteer ambulance corp personnel,

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

19 (1) Hepatitis C in the occupations of:

20 (i) Professional and volunteer firefighters.

21 (ii) Volunteer ambulance corps personnel.

22 (iii) Volunteer rescue and lifesaving squad personnel.

23 (iv) Emergency medical services personnel and paramedics.

24 (v) Pennsylvania State Police officers.

25 (vi) Police officers requiring certification under 53

26 Pa.C.S. Ch. 21 (relating to employees).

27 (vii) Commonwealth and county correctional employees and
28 forensic security employees of the Department of Public Welfare,
29 having duties including care, custody and control of inmates
30 involving exposure to such disease.

1 (viii) State parole agents.

2 (ix) Coroners.

3 (x) Building trades and specific trades, including, but not
4 limited to, plumbing.

5 (2) Hepatitis C in any of these occupations shall establish
6 a presumption that such disease is an occupational disease
7 within the meaning of this act, but this presumption shall not
8 be conclusive and may be rebutted. This presumption shall be
9 rebutted if the employer has established an employment screening
10 program, in accordance with guidelines established by the
11 department in coordination with the Department of Health and the
12 Pennsylvania Emergency Management Agency and published in the
13 Pennsylvania Bulletin, and testing pursuant to that program
14 establishes that the employe incurred the hepatitis C virus
15 prior to any job-related exposure.

16 * * *

17 Section 2. This act shall take effect immediately.