

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 763 Session of
2007

INTRODUCED BY GOODMAN, ARGALL, BAKER, BARRAR, BELFANTI,
BIANCUCCI, BISHOP, BUXTON, CALTAGIRONE, CAPPELLI, COHEN,
CURRY, DePASQUALE, EVERETT, GEORGE, GIBBONS, HESS, JAMES,
JOSEPHS, W. KELLER, KENNEY, KIRKLAND, KOTIK, KULA, MANN,
McGEEHAN, MILLARD, R. MILLER, MYERS, M. O'BRIEN, PALLONE,
PETRARCA, PHILLIPS, PICKETT, RAPP, SAYLOR, SCAVELLO, SOLOBAY,
STABACK, SURRA, VEREB, WALKO, WILLIAMS, YUDICHAK, FABRIZIO,
K. SMITH AND GRUCELA, MARCH 19, 2007

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 19, 2007

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

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

24 * * *

25 Section 2. This act shall take effect in 60 days.