

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1869 Session of  
2019

INTRODUCED BY OWLETT, BARRAR, CAUSER, PICKETT, SCHMITT, GROVE,  
GABLER, POLINCHOCK, ROAE, STRUZZI, CALTAGIRONE, FRITZ,  
WHEELAND, ZIMMERMAN, BERNSTINE, HERSHEY, RAPP, WEBSTER, KORTZ  
AND GILLEN, SEPTEMBER 23, 2019

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 20, 2020

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, PROVIDING FOR COVID-19 ENFORCEMENT <--  
3 OFFICER DISABILITY BENEFITS AND FOR COVID-19 BENEFITS FOR  
4 MEMBERS OF PENNSYLVANIA NATIONAL GUARD; AND, in emergency  
5 medical services system, further providing for basic life  
6 support ambulances.

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

9 ~~Section 1. Section 8133 of Title 35 of the Pennsylvania~~ <--  
10 ~~Consolidated Statutes is amended by adding a subsection to read:~~

11 SECTION 1. TITLE 35 OF THE PENNSYLVANIA CONSOLIDATED <--  
12 STATUTES IS AMENDED BY ADDING CHAPTERS TO READ:

13 CHAPTER 57  
14 COVID-19 ENFORCEMENT OFFICER DISABILITY BENEFITS

15 SEC.

16 5701. SCOPE OF CHAPTER.

17 5702. ENFORCEMENT OFFICER DISABILITY BENEFITS.

18 § 5701. SCOPE OF CHAPTER.

1 THIS CHAPTER RELATES TO ENFORCEMENT OFFICER DISABILITY  
2 BENEFITS RELATING TO COVID-19.

3 § 5702. ENFORCEMENT OFFICER DISABILITY BENEFITS.

4 (A) GENERAL RULE.--A PERSON COVERED UNDER SECTION 1(A) OF  
5 THE ACT OF JUNE 28, 1935 (P.L.477, NO.193), REFERRED TO AS THE  
6 ENFORCEMENT OFFICER DISABILITY BENEFITS LAW, WHO CONTRACTS OR IS  
7 DIAGNOSED WITH CORONAVIRUS DISEASE 2019 (COVID-19), AS  
8 IDENTIFIED IN THE PROCLAMATION OF DISASTER EMERGENCY ISSUED BY  
9 THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH  
10 21, 2020), OR IS SUBJECT TO QUARANTINE RESULTING FROM EXPOSURE  
11 TO COVID-19, AND BY REASON THEREOF IS TEMPORARILY INCAPACITATED  
12 FROM PERFORMING HIS DUTIES, SHALL BE COMPENSATED IN ACCORDANCE  
13 WITH SECTION 1(A) OF THE THE ENFORCEMENT OFFICER DISABILITY  
14 BENEFITS LAW.

15 (B) LIMITATION.--A BENEFIT RECEIVED UNDER SUBSECTION (A)  
16 SHALL BE LIMITED TO 60 DAYS FOR EACH INCIDENT.

17 CHAPTER 58

18 COVID-19 BENEFITS FOR MEMBERS OF

19 PENNSYLVANIA NATIONAL GUARD

20 SEC.

21 5801. SCOPE OF CHAPTER.

22 5802. BENEFIT.

23 § 5801. SCOPE OF CHAPTER.

24 THIS CHAPTER RELATES TO COVID-19 BENEFITS FOR MEMBERS OF THE  
25 PENNSYLVANIA NATIONAL GUARD.

26 § 5802. BENEFIT.

27 (A) BENEFIT.--NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A  
28 MEMBER OF THE PENNSYLVANIA NATIONAL GUARD SHALL RECEIVE FROM THE  
29 DEPARTMENT A BENEFIT COMPUTED UNDER SUBSECTION (B) (2) IF THE  
30 MEMBER:

1           (1) IS ORDERED TO STATE ACTIVE DUTY FOR EMERGENCY OR  
2 SPECIAL STATE DUTY BY THE ADJUTANT GENERAL OR BY THE  
3 GOVERNOR; AND

4           (2) SUSTAINS AN INJURY WHILE PARTICIPATING IN DUTY UNDER  
5 PARAGRAPH (1) FROM THE PERIOD OF NOTIFICATION TO REPORT FOR  
6 DUTY UNTIL OFFICIALLY RELEASED.

7           (B) CLAIM SUBMISSION, CALCULATION AND FUNDING.--

8           (1) A MEMBER OF THE PENNSYLVANIA NATIONAL GUARD WHO  
9 SUSTAINS AN INJURY AND IS NOT COMPENSATED FOR THE INJURY BY  
10 THE FEDERAL GOVERNMENT, MUST SUBMIT A CLAIM TO RECEIVE THE  
11 BENEFIT AS PRESCRIBED BY THE ADJUTANT GENERAL.

12           (2) FOR PURPOSES OF COMPUTING THE AVERAGE WEEKLY WAGE OF  
13 A MEMBER OF THE PENNSYLVANIA NATIONAL GUARD OR DEPENDENT  
14 THEREOF, WEEKLY WAGES SHALL BE CALCULATED USING THE DAILY  
15 BASE PAY TABLE UNDER 37 U.S.C (RELATING TO PAY AND ALLOWANCES  
16 OF THE UNIFORMED SERVICES) TO DETERMINE THE PENNSYLVANIA  
17 NATIONAL GUARD MEMBER'S DAILY WAGE AT THE TIME OF THE INJURY.  
18 THE AVERAGE WEEKLY WAGE SHALL EQUAL THE MEMBER'S DAILY BASE  
19 PAY MULTIPLIED BY FIVE.

20           (3) A BENEFIT RECEIVED UNDER THIS SECTION SHALL BE  
21 LIMITED TO 60 DAYS FOR EACH INCIDENT.

22           (4) THE GENERAL ASSEMBLY SHALL APPROPRIATE THE MONEY  
23 NECESSARY TO BE DEPOSITED INTO A NONLAPSING RESTRICTED  
24 INTEREST-BEARING ACCOUNT TO PROVIDE FOR THE BENEFIT  
25 ESTABLISHED IN SUBSECTION (A).

26           (C) NO COMMONWEALTH EMPLOYEE STATUS.--IN NO EVENT SHALL ANY  
27 MEMBER OF THE PENNSYLVANIA NATIONAL GUARD WHILE PERFORMING THE  
28 ACTIVITIES DESCRIBED IN SUBSECTION (A) BE DEEMED AN EMPLOYEE OF  
29 THE COMMONWEALTH FOR ANY PURPOSE OR BENEFIT. NOTHING IN THIS  
30 SECTION SHALL BE CONSTRUED TO ENTITLE A MEMBER OF THE

1 PENNSYLVANIA NATIONAL GUARD TO ANY BENEFIT OR EMOLUMENT PROVIDED  
2 TO AN EMPLOYEE OF THE COMMONWEALTH.

3 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
4 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
5 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

6 "DEPARTMENT." THE DEPARTMENT OF MILITARY AND VETERANS  
7 AFFAIRS OF THE COMMONWEALTH.

8 "INJURY." CONTRACTS OR IS DIAGNOSED WITH CORONAVIRUS DISEASE  
9 2019, KNOWN AS COVID-19, AS IDENTIFIED IN THE PROCLAMATION OF  
10 DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020,  
11 PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), OR IS SUBJECT TO  
12 QUARANTINE RESULTING FROM EXPOSURE TO COVID-19, AND, BY REASON  
13 OF THE EXPOSURE, IS TEMPORARILY INCAPACITATED FROM PERFORMING  
14 DUTIES.

15 "PARTICIPATING." THE TERM INCLUDES ACTIVITIES ORDERED BY THE  
16 ADJUTANT GENERAL OR BY THE GOVERNOR SUCH AS TRAINING, AN  
17 EXERCISE OR RELATED OFFICIAL FUNCTIONS.

18 "SPECIAL STATE DUTY." STATE MILITARY DUTY BY THE  
19 PENNSYLVANIA NATIONAL GUARD UNDER THIS SECTION. THE TERM SHALL  
20 NOT INCLUDE STATE ACTIVE DUTY FOR EMERGENCY UNDER THIS SECTION  
21 OR DUTY AUTHORIZED AND FUNDED UNDER 10 U.S.C. OR 32 U.S.C.

22 "STATE ACTIVE DUTY FOR EMERGENCY." STATE MILITARY DUTY BY  
23 THE PENNSYLVANIA NATIONAL GUARD UNDER 51 PA.C.S. § 508 (RELATING  
24 TO ACTIVE DUTY FOR EMERGENCY) THAT IS NOT ACTIVE DUTY AUTHORIZED  
25 AND FUNDED UNDER 10 U.S.C. (RELATING TO ARMED FORCES) OR 32  
26 U.S.C. (RELATING TO NATIONAL GUARD).

27 SECTION 2. SECTION 8133 OF TITLE 35 IS AMENDED BY ADDING A  
28 SUBSECTION TO READ:

29 § 8133. Basic life support ambulances.

30 \* \* \*

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1 ~~(c) Exceptions for certain counties. The staffing~~ <--  
2 ~~requirements under subsection (b) (2) may be waived or adjusted~~  
3 ~~for counties of the fifth, sixth, seventh and eighth classes at~~

4 (C) EXCEPTIONS FOR CERTAIN COUNTIES.-- <--

5 (1) THE STAFFING REQUIREMENTS UNDER SUBSECTION (B) (2)  
6 MAY BE WAIVED OR ADJUSTED AT the department's discretion. The  
7 department shall permit an EMS agency to file for a waiver or  
8 exception from the staffing requirements under this  
9 subsection for extraordinary reasons as determined by the  
10 department on a case-by-case basis and in the best interest  
11 of the EMS system and patient care.

12 (2) THIS SUBSECTION SHALL EXPIRE THREE YEARS FROM THE <--  
13 DATE OF ENACTMENT OF THIS SUBSECTION.

14 ~~Section 2 3. This act shall take effect in 60 days.~~ <--

15 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <--

16 (1) THE ADDITION OF 35 PA.C.S. § 8133(C) SHALL TAKE  
17 EFFECT IN 60 DAYS.

18 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
19 IMMEDIATELY.