

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2135 Session of
2021

INTRODUCED BY DAY, BERNSTINE, R. BROWN, COX, GLEIM, JONES,
JOZWIAK, KEEFER, LEWIS DELROSSO, PENNYCUICK, ROWE AND RYAN,
DECEMBER 7, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, DECEMBER 7, 2021

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled "An
2 act defining the liability of an employer to pay damages for
3 injuries received by an employe in the course of employment;
4 establishing an elective schedule of compensation; providing
5 procedure for the determination of liability and compensation
6 thereunder; and prescribing penalties," in procedure,
7 providing for adverse events associated with vaccines.

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

10 Section 1. The act of June 2, 1915 (P.L.736, No.338), known
11 as the Workers' Compensation Act, is amended by adding a section
12 to read:

13 Section 439.1. (a) The record required under section 439
14 shall include a record of adverse events associated with a
15 vaccine, as reported to the employer or of which the employer
16 otherwise has knowledge, for any employe who received the
17 vaccine in the course of employment, including an employe who
18 was required to receive the vaccine as a condition of
19 employment. The following apply:

20 (1) The record of adverse events shall include:

- 1 (i) A description of the adverse event.
- 2 (ii) A statement of any time during which the employee was
- 3 unable to work because of the adverse event.
- 4 (iii) The type of vaccine associated with the adverse event.
- 5 (iv) A description of the manner in which the adverse event
- 6 occurred.

7 (2) The record of adverse events shall be available for
8 inspection by the department or any other governmental agency at
9 reasonable times.

10 (3) The following procedures apply:

11 (i) If an adverse event is an injury that must be reported
12 in accordance with section 438 and department regulations, the
13 report under section 438 shall include information that the
14 injury was recorded as an adverse event associated with a
15 vaccine and the type of vaccine.

16 (ii) An employer shall not be required to record adverse
17 events from a vaccine if the employee did not receive the vaccine
18 during the course of employment.

19 (b) No later than May 1 of each year, the department shall
20 report to the General Assembly on adverse events associated with
21 the vaccines that are injuries required to be reported under
22 section 438 for the prior year. The report shall include all of
23 the following:

- 24 (1) The number of these injuries on a Statewide basis.
- 25 (2) The number of these injuries for each county.
- 26 (3) The number of these injuries organized by industry.
- 27 (4) The number of these injuries associated with each type
- 28 of vaccine.
- 29 (5) Information regarding the nature of these injuries.
- 30 (6) The average number of workdays missed for each employee

1 for these injuries.

2 (c) The information required in a report in accordance with
3 this section shall also be included in annual reports on the
4 workers' compensation program published by the department and
5 posted on the publicly accessible Internet website of the
6 department.

7 (d) For purposes of this section, the term "adverse event"
8 means any untoward medical occurrence associated with the use of
9 a vaccine in humans, whether or not considered vaccine-related.

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