

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 556 Session of 2021

INTRODUCED BY STEFANO, LANGERHOLC, BROOKS, FONTANA, GORDNER, HUTCHINSON, MENSCH, REGAN, SCAVELLO, COSTA, VOGEL, MASTRIANO AND BAKER, APRIL 13, 2021

SENATOR STEFANO, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AS AMENDED, APRIL 28, 2021

AN ACT

1 Amending the act of June 24, 1976 (P.L.424, No.101), entitled
2 "An act providing for the payment of death benefits to the
3 surviving spouse or children or parents of firefighters,
4 ambulance service or rescue squad members, law enforcement
5 officers or National Guard members who die as a result of the
6 performance of their duties," further providing for death
7 benefits relating to COVID-19 and for definitions.

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

10 Section 1. Section 1 of the act of June 24, 1976 (P.L.424,
11 No.101), referred to as the Emergency and Law Enforcement
12 Personnel Death Benefits Act, is amended by adding a subsection <--
13 to read:

14 Section 1. \* \* \* (A) IN THE EVENT A LAW ENFORCEMENT <--
15 OFFICER, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER, FIREFIGHTER,
16 CERTIFIED HAZARDOUS MATERIAL RESPONSE TEAM MEMBER, MEMBER OF THE
17 PENNSYLVANIA CIVIL AIR PATROL OR NATIONAL GUARD MEMBER DIES AS A
18 RESULT OF THE PERFORMANCE OF HIS OR HER DUTIES, AN APPLICATION,
19 INCLUDING A CERTIFICATION OF DEATH, SHALL BE MADE TO THE

1 DEPARTMENT WITHIN THREE YEARS OF THE DATE OF SUCH DEATH BY ANY  
2 OF THE FOLLOWING:

3 (1) A POLITICAL SUBDIVISION.

4 (2) A COMMONWEALTH AGENCY.

5 (3) IN THE CASE OF NATIONAL GUARD MEMBERS, THE ADJUTANT  
6 GENERAL.

7 (4) IN THE CASE OF A MEMBER OF A COMMONWEALTH LAW  
8 ENFORCEMENT AGENCY, THE AGENCY HEAD.

9 (5) IN THE CASE OF A CAMPUS POLICE OFFICER, THE UNIVERSITY  
10 OR COLLEGE PRESIDENT.

11 (6) ANY SURVIVOR ELIGIBLE FOR PAYMENT OF BENEFITS UNDER THIS  
12 ACT OR INDIVIDUAL AUTHORIZED TO ACT ON THE SURVIVOR'S BEHALF.

13 (7) IN THE CASE OF THE PENNSYLVANIA CIVIL AIR PATROL, THE  
14 STATE COMMANDER.

15 (A.1) A FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD  
16 MEMBER, LAW ENFORCEMENT OFFICER, CERTIFIED HAZARDOUS MATERIAL  
17 RESPONSE TEAM MEMBER, MEMBER OF THE PENNSYLVANIA CIVIL AIR  
18 PATROL OR NATIONAL GUARD MEMBER WHO SUFFERS A FATAL HEART ATTACK  
19 OR STROKE WHILE ON DUTY OR NOT LATER THAN 24 HOURS AFTER  
20 PARTICIPATING IN A PHYSICAL TRAINING EXERCISE OR RESPONDING TO  
21 AN EMERGENCY IS PRESUMED TO HAVE DIED AS A RESULT OF THE  
22 PERFORMANCE OF HIS OR HER DUTIES FOR PURPOSES OF THIS ACT.

23 (B) A VOLUNTEER FIREFIGHTER SHALL BE DEEMED TO BE ACTING IN  
24 THE PERFORMANCE OF HIS OR HER DUTIES FOR THE PURPOSES OF THIS  
25 ACT GOING TO OR DIRECTLY RETURNING FROM A FIRE WHICH THE FIRE  
26 COMPANY OR FIRE DEPARTMENT ATTENDED INCLUDING TRAVEL FROM AND  
27 DIRECT RETURN TO A FIREFIGHTER'S HOME, PLACE OF BUSINESS OR  
28 OTHER PLACE WHERE HE OR SHE SHALL HAVE BEEN WHEN HE OR SHE  
29 RECEIVED THE CALL OR ALARM OR WHILE PARTICIPATING IN INSTRUCTION  
30 FIRE DRILLS IN WHICH THE FIRE DEPARTMENT OR FIRE COMPANY SHALL

1 HAVE PARTICIPATED OR WHILE REPAIRING OR DOING OTHER WORK ABOUT  
2 OR ON THE FIRE APPARATUS OR BUILDINGS AND GROUNDS OF THE FIRE  
3 COMPANY OR FIRE DEPARTMENT UPON THE AUTHORIZATION OF THE CHIEF  
4 OF THE FIRE COMPANY OR FIRE DEPARTMENT OR OTHER PERSON IN CHARGE  
5 OR WHILE ANSWERING ANY EMERGENCY CALLS FOR ANY PURPOSE OR WHILE  
6 RIDING UPON THE FIRE APPARATUS WHICH IS OWNED OR USED BY THE  
7 FIRE COMPANY OR FIRE DEPARTMENT OR WHILE PERFORMING ANY OTHER  
8 DUTIES OF SUCH FIRE COMPANY OR FIRE DEPARTMENT AS AUTHORIZED BY  
9 THE MUNICIPALITY OR WHILE PERFORMING DUTIES IMPOSED BY SECTION  
10 15, ACT OF APRIL 27, 1927 (P.L.465, NO.299), REFERRED TO AS THE  
11 FIRE AND PANIC ACT.

12 (C) A VOLUNTEER AMBULANCE SERVICE, CERTIFIED HAZARDOUS  
13 MATERIAL RESPONSE TEAM OR RESCUE SQUAD MEMBER OR MEMBER OF THE  
14 PENNSYLVANIA CIVIL AIR PATROL SHALL BE DEEMED TO BE ACTING IN  
15 THE PERFORMANCE OF HIS OR HER DUTIES FOR THE PURPOSES OF THIS  
16 ACT GOING TO OR DIRECTLY RETURNING FROM AN EMERGENCY WHICH THE  
17 AMBULANCE SERVICE, CERTIFIED HAZARDOUS MATERIAL RESPONSE TEAM,  
18 RESCUE SQUAD OR MEMBER OF THE PENNSYLVANIA CIVIL AIR PATROL  
19 ATTENDED INCLUDING TRAVEL FROM AND DIRECT RETURN TO AN AMBULANCE  
20 SERVICE, CERTIFIED HAZARDOUS MATERIAL RESPONSE TEAM, RESCUE  
21 SQUAD OR PENNSYLVANIA CIVIL AIR PATROL MEMBER'S HOME, PLACE OF  
22 BUSINESS OR OTHER PLACE WHERE HE OR SHE SHALL HAVE BEEN WHEN HE  
23 OR SHE RECEIVED THE CALL OR ALARM OR WHILE PARTICIPATING IN  
24 DRILLS IN WHICH THE AMBULANCE SERVICE, CERTIFIED HAZARDOUS  
25 MATERIAL RESPONSE TEAM, RESCUE SQUAD OR PENNSYLVANIA CIVIL AIR  
26 PATROL SHALL HAVE PARTICIPATED OR WHILE REPAIRING OR DOING OTHER  
27 WORK ABOUT OR ON ANY EMERGENCY VEHICLE OR BUILDINGS AND GROUNDS  
28 OF THE AMBULANCE SERVICE, CERTIFIED HAZARDOUS MATERIAL RESPONSE  
29 TEAM, RESCUE SQUAD OR PENNSYLVANIA CIVIL AIR PATROL UPON THE  
30 AUTHORIZATION OF THE CHIEF OF THE AMBULANCE SERVICE, CERTIFIED

1 HAZARDOUS MATERIAL RESPONSE TEAM, RESCUE SQUAD OR PENNSYLVANIA  
2 CIVIL AIR PATROL OR OTHER PERSON IN CHARGE WHILE ANSWERING ANY  
3 EMERGENCY CALLS FOR ANY PURPOSE OR WHILE RIDING UPON ANY  
4 VEHICLES WHICH ARE OWNED OR USED BY THE AMBULANCE SERVICE,  
5 CERTIFIED HAZARDOUS MATERIAL RESPONSE TEAM, RESCUE SQUAD OR  
6 PENNSYLVANIA CIVIL AIR PATROL.

7 (D) UPON RECEIPT OF SUCH CERTIFICATION, THE COMMONWEALTH  
8 SHALL, FROM MONEYS PAYABLE OUT OF THE GENERAL FUND, PAY TO THE  
9 SURVIVING SPOUSE OR, IF THERE IS NO SURVIVING SPOUSE, TO THE  
10 MINOR CHILDREN OF THE PAID FIREFIGHTER, AMBULANCE SERVICE OR  
11 RESCUE SQUAD MEMBER OR LAW ENFORCEMENT OFFICER WHO DIED AS A  
12 RESULT OF THE PERFORMANCE OF HIS OR HER DUTY THE SUM OF  
13 \$100,000, ADJUSTED IN ACCORDANCE WITH SUBSECTION (F) OF THIS  
14 SECTION AND AN AMOUNT EQUAL TO THE MONTHLY SALARY, ADJUSTED IN  
15 ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION, OF THE DECEASED  
16 PAID FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER OR  
17 LAW ENFORCEMENT OFFICER, LESS ANY WORKERS' COMPENSATION OR  
18 PENSION OR RETIREMENT BENEFITS PAID TO SUCH SURVIVORS, AND SHALL  
19 CONTINUE SUCH MONTHLY PAYMENTS UNTIL THERE IS NO ELIGIBLE  
20 BENEFICIARY TO RECEIVE THEM. FOR THE PURPOSE OF THIS SUBSECTION,  
21 THE TERM "ELIGIBLE BENEFICIARY" MEANS THE SURVIVING SPOUSE OR  
22 THE CHILD OR CHILDREN UNDER THE AGE OF EIGHTEEN YEARS OR, IF  
23 ATTENDING COLLEGE, UNDER THE AGE OF TWENTY-THREE YEARS, OF THE  
24 FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER OR LAW  
25 ENFORCEMENT OFFICER WHO DIED AS A RESULT OF THE PERFORMANCE OF  
26 HIS OR HER DUTY. WHEN NO SPOUSE OR MINOR CHILDREN SURVIVE, A  
27 SINGLE SUM OF \$100,000, ADJUSTED IN ACCORDANCE WITH SUBSECTION  
28 (F) OF THIS SECTION, SHALL BE PAID TO THE PARENT OR PARENTS OF  
29 SUCH FIREFIGHTER, AMBULANCE SERVICE MEMBER, RESCUE SQUAD MEMBER  
30 OR LAW ENFORCEMENT OFFICER.

1 (E) THE COMMONWEALTH OF PENNSYLVANIA SHALL PAY OUT OF THE  
2 GENERAL FUND TO THE SURVIVING SPOUSE OR, IF THERE IS NO  
3 SURVIVING SPOUSE, THE MINOR CHILDREN OF A NATIONAL GUARD MEMBER,  
4 CERTIFIED HAZARDOUS MATERIAL RESPONSE TEAM MEMBER, MEMBER OF THE  
5 PENNSYLVANIA CIVIL AIR PATROL, VOLUNTEER FIREFIGHTER, AMBULANCE  
6 SERVICE OR RESCUE SQUAD MEMBER WHO DIED AS A RESULT OF THE  
7 PERFORMANCE OF HIS OR HER DUTIES THE SUM OF \$100,000, ADJUSTED  
8 IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION. WHEN NO  
9 SPOUSE OR MINOR CHILDREN SURVIVE, THE BENEFIT SHALL BE PAID TO  
10 THE PARENT OR PARENTS OF SUCH NATIONAL GUARD MEMBER, CERTIFIED  
11 HAZARDOUS MATERIAL RESPONSE TEAM MEMBER, MEMBER OF THE  
12 PENNSYLVANIA CIVIL AIR PATROL, VOLUNTEER FIREFIGHTER, AMBULANCE  
13 SERVICE OR RESCUE SQUAD MEMBER. THE BENEFIT SHALL BE PAYABLE  
14 WHETHER OR NOT THE NATIONAL GUARD MEMBER OR CERTIFIED HAZARDOUS  
15 MATERIAL RESPONSE TEAM MEMBER, MEMBER OF THE PENNSYLVANIA CIVIL  
16 AIR PATROL, VOLUNTEER FIREFIGHTER, AMBULANCE SERVICE OR RESCUE  
17 SQUAD MEMBER DIED AS A RESULT OF THE PERFORMANCE OF HIS OR HER  
18 DUTY WITHIN THE COMMONWEALTH OF PENNSYLVANIA.

19 (F) ON JULY 1, 2006, AND EACH JULY 1 THEREAFTER, THE  
20 COMMONWEALTH SHALL ADJUST THE LEVEL OF THE BENEFIT PAYABLE  
21 IMMEDIATELY BEFORE JULY 1 UNDER SUBSECTIONS (D) AND (E) OF THIS  
22 SECTION TO REFLECT THE ANNUAL PERCENTAGE CHANGE IN THE CONSUMER  
23 PRICE INDEX FOR ALL URBAN CONSUMERS, PUBLISHED BY THE UNITED  
24 STATES DEPARTMENT OF COMMERCE, BUREAU OF LABOR STATISTICS,  
25 OCCURRING IN THE ONE-YEAR PERIOD ENDING ON JANUARY 1 IMMEDIATELY  
26 PRECEDING JULY 1.

27 (G) A NATIONAL GUARD MEMBER SHALL BE DEEMED TO BE ACTING IN  
28 THE PERFORMANCE OF HIS OR HER DUTIES FOR THE PURPOSES OF THIS  
29 ACT WHEN:

30 (1) HIS OR HER DEATH OCCURS IN AN OFFICIAL DUTY STATUS

1 AUTHORIZED UNDER 51 PA.C.S. § 508 (RELATING TO ACTIVE STATE  
2 DUTY FOR EMERGENCY); OR

3 (2) GOING DIRECTLY TO OR FROM THE PLACE OF SUCH DUTIES.

4 (h) If a law enforcement officer, ambulance service or  
5 rescue squad member, firefighter, certified hazardous material  
6 response team member, member of the Pennsylvania Civil Air  
7 Patrol or National Guard member dies from COVID-19 on or after  
8 March 6, 2020, it shall be presumed that the individual  
9 contracted COVID-19 while acting in the performance of his  
10 duties for the purposes of this act.

11 Section 2. Section 2 of the act is amended by adding a  
12 definition to read:

13 Section 2. The following words and phrases when used in this  
14 act shall have the meanings given to them in this section unless  
15 the context clearly indicates otherwise:

16 \* \* \*

17 "COVID-19" means the novel coronavirus as identified in the  
18 Governor's Proclamation of Disaster Emergency issued on March 6,  
19 2020, published at 50 Pa.B. 1644 (March 21, 2020).

20 \* \* \*

21 Section 3. This act shall take effect immediately.