

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 451:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and
2 employees, so as to require the provision of supplemental, illness-specific insurance to
3 certain first responders diagnosed with occupational post-traumatic stress disorder; to provide
4 for legislative findings; to provide for definitions; to provide for certain insurance benefits
5 to eligible first responders; to provide for limitations and restrictions of such benefits; to
6 provide for methods of funding; to provide for treatment of premiums; to amend Code
7 Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of
8 Georgia taxable net income, so as to provide an exemption for benefits received from such
9 insurance coverage for first responders; to provide for related matters; to provide for an
10 effective date and applicability; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
14 is amended by adding a new chapter to read as follows:

H. B. 451 (SUB)

15 "CHAPTER 25

16 45-25-1.

17 The Georgia General Assembly finds that:

18 (1) First responders are often exposed to traumatic events in the line of duty and are at
19 risk of developing post-traumatic stress disorder, which, if untreated, can result in the
20 inability to serve as a first responder as well as grave health consequences, including
21 death by suicide;

22 (2) Major medical insurance provides coverage for mental health treatment on parity
23 with other illnesses, and major medical insurance companies are best suited to help first
24 responders identify healthcare providers who can treat post-traumatic stress disorder and
25 provide coverage for treatment by such providers;

26 (3) The Office of Public Safety Support within the Department of Public Safety was
27 established to provide peer counselors and critical incident support services to first
28 responders exposed to traumatic events at work. The intent of this chapter is to expand
29 on this existing support by ensuring that, after a qualifying diagnosis of occupational
30 post-traumatic stress disorder, such first responders have financial resources readily
31 available to them;

32 (4) Having financial resources readily available to meet the financial needs of first
33 responders at the critically important time of identifying the mental healthcare provider
34 of their choice and beginning treatment, as well as having additional financial resources
35 available for the continuation of treatment, pursuit of recovery, and return to service as
36 first responders, will better serve first responders and their families; and

37 (5) Nothing in this chapter is intended to reimburse for or provide mental healthcare
38 treatment or replace or disrupt coverage for mental health treatment under major medical
39 insurance.

40 45-25-2.

41 As used in this chapter, the term:

42 (1) 'Covered condition' means an eligible first responder's occupational post-traumatic
43 stress disorder that is the direct result of an experience of or an exposure to a traumatic
44 event, wherein such experience or exposure takes place during the normal course of the
45 first responder's regular occupational or volunteer duties on behalf of a public entity and
46 the diagnosis is made no later than two years after the date of the traumatic event.

47 (2) 'Eligible first responder' means a first responder who experienced or was exposed to
48 a traumatic event during the normal course of performing regular occupational or
49 volunteer duties on behalf of a public entity and such experience or exposure resulted in
50 post-traumatic stress disorder, if the first responder received a diagnosis of post-traumatic
51 stress disorder arising from such experience or exposure no later than two years after the
52 traumatic event.

53 (3) 'First responder' means any of the following:

54 (A) 'Communications officer' as defined in Code Section 37-12-1;

55 (B) 'Correctional officer' as defined in Code Section 45-1-8;

56 (C) 'Emergency medical professional' as defined in Code Section 16-10-24.2;

57 (D) 'Emergency medical technician' as defined in Code Section 16-10-24.2;

58 (E) 'Firefighter' as defined in Code Section 25-4-2;

59 (F) 'Highway emergency response operator' as defined in Code Section 45-1-8;

60 (G) 'Jail officer' as defined in Code Section 45-1-8;

61 (H) 'Juvenile correctional officer' as defined in Code Section 45-1-8;

62 (I) 'Peace officer' as defined in Code Section 35-8-2;

63 (J) 'Probation officer' as defined in Code Section 45-1-8; and

64 (K) Law enforcement officer with the Department of Natural Resources.

65 (4) 'Monthly salary' means regular monthly earnings excluding overtime, bonuses, and
66 commissions.

67 (5) 'Post-traumatic stress disorder' means an anxiety disorder caused by experiencing or
68 being exposed to a traumatic event and which satisfies the clinical diagnostic criteria set
69 forth in the most recent published edition of the American Psychiatric Association's
70 *Diagnostic and Statistical Manual of Mental Disorders* at the time of diagnosis.

71 (6) 'Public entity' means a department, agency, board, bureau, commission, authority, or
72 instrumentality of the State of Georgia, any local government or authority, including a
73 county, municipal, or consolidated government in this state, or any other political division
74 in this state. Such term includes a school district, independent school district, or other
75 local school system in this state.

76 (7) 'Qualified diagnostician' means any of the following individuals who are board
77 certified in the medical specialty appropriate for trauma related mental health diagnoses:

78 (A) Nurse practitioner duly licensed in this state under Chapter 26 of Title 43 who is
79 recognized by the Georgia Board of Nursing as a certified nurse practitioner;

80 (B) 'Physician' as defined in Code Section 43-34-1;

81 (C) 'Physician assistant' as defined in Code Section 43-34-23;

82 (D) Psychiatrist duly authorized to practice psychiatry under the laws of this state; and

83 (E) Psychologist duly authorized to practice psychology as provided in Chapter 39 of
84 Title 43.

85 (8) 'Traumatic event' means an actual or threatened death, serious injury, or act of sexual
86 violence that occurs on or after July 1, 2024, and which the first responder experienced
87 or was exposed to during the normal course of the first responder's regular occupational
88 or volunteer duties on behalf of a public entity. In cases involving multiple traumatic
89 events occurring on or after July 1, 2024, the traumatic event is the most recent event
90 determined by the qualified diagnostician to be related to the symptoms of post-traumatic
91 stress disorder.

92 45-25-3.

93 (a) A public entity shall provide and maintain sufficient insurance coverage on each of its
94 first responders to pay the benefits described in subsection (b) of this Code section to
95 eligible first responders with covered conditions arising from a traumatic event which the
96 first responder experienced or was exposed to while performing first responder services for
97 such public entity. Such coverage shall also pay such benefits for covered conditions
98 arising from an employed first responder's services as a first responder volunteer for
99 another public entity. In the event a volunteer first responder of one public entity is
100 simultaneously employed as a first responder by another public entity, the public entity for
101 which such person is a volunteer shall not be required to maintain the coverage on such
102 volunteer otherwise required under this Code section during the period of such employment
103 with the other public entity. In no circumstance shall a first responder be entitled, as a
104 result of this chapter, to more than the lifetime benefits described under this chapter.

105 (b) An eligible first responder with a covered condition shall be entitled to the following
106 benefits:

107 (1) One lump sum benefit per lifetime of \$10,000.00 payable to the eligible first
108 responder upon submission to the insurer of acceptable proof of a clinical diagnosis of
109 a covered condition by a qualified diagnostician as provided for in subsection (e) of this
110 Code section; and

111 (2) An income replacement disability benefit payable as a result of a clinical diagnosis
112 of a covered condition, which disability benefit is payable as described below:

113 (A) If the first responder's qualified diagnostician determines that the covered
114 condition precludes continuation of the first responder's regular occupational or
115 volunteer duties as a first responder and provides proof acceptable to the insurer,
116 including evidence of appropriate care and treatment, then the disability benefit shall
117 begin 90 days after the date the covered condition first precludes continuation of such
118 duties;

119 (B) The disability benefit shall continue, subject to standard requirements of disability
120 insurances and subject to the cumulative lifetime disability benefit limit described in
121 subparagraph (E) of this paragraph, during the period of continuous disability arising
122 from the covered condition;

123 (C) The disability benefit shall cease when the first responder's qualified diagnostician
124 determines that the eligible first responder has regained the ability to perform the duties
125 previously performed as a first responder;

126 (D) Subject to the cumulative lifetime disability benefit limit provided for in
127 subparagraph (E) of this paragraph, the disability benefit shall recommence if the first
128 responder's qualified diagnostician determines that the eligible first responder has again
129 become unable to perform his or her regular occupational or volunteer duties as a first
130 responder due to a covered condition and provides proof acceptable to the insurer; and

131 (E) The disability benefit shall end after a total of 36 monthly payments in the amount
132 set forth below have been made to the eligible first responder:

133 (i) If the eligible first responder is employed by a public entity, a monthly benefit
134 equal to 60 percent of the eligible first responder's combined monthly salary for all
135 public entities for which the first responder is employed as a first responder or a
136 monthly benefit of \$5,000.00, whichever is less; or

137 (ii) If the eligible first responder is a volunteer first responder and not employed as
138 a first responder by any public entity, a monthly benefit of \$1,500.00.

139 (c) Any first responder who receives income replacement disability benefits under
140 paragraph (2) of subsection (b) of this Code section may be required by the insurer
141 providing such benefits to have his or her condition reevaluated by a qualified
142 diagnostician selected by the insurer. In the event any such reevaluation reveals that such
143 first responder has regained the ability to perform the duties previously performed as a first
144 responder, then such benefits shall cease.

145 (d) The benefits under paragraph (2) of subsection (b) of this Code section, as applicable,
146 shall be subordinate to any other income replacement disability benefit actually paid to the
147 first responder for such disability from any employer funded group long-term disability
148 plan or workers' compensation benefit, not including any disability insurance purchased
149 in whole or in part by the first responder, and shall be limited to the difference between the
150 amount of such other paid benefit and the amount specified under subparagraph (b)(2)(E)
151 of this Code section, as applicable.

152 (e) Proof of a first responder's covered condition requires both of the following:

153 (1) A clinical diagnosis of post-traumatic stress disorder made by a qualified
154 diagnostician which substantiates that the clinical diagnosis is the direct result of
155 experiencing or being exposed to a traumatic event, or repeated experiences or exposures
156 to traumatic events, during his or her regular occupational or volunteer duties on behalf
157 of a public entity. Such clinical diagnosis shall be made within two years following the
158 date of the traumatic event, and such clinical diagnosis shall include documentation
159 indicating the date and nature of the traumatic event or the most recent traumatic event
160 related to the symptoms of post-traumatic stress disorder if due to repeated experiences
161 or exposures; and

162 (2) Written documentation of criteria required for the diagnosis of post-traumatic stress
163 disorder under the most recent published edition of the American Psychiatric
164 Association's *Diagnostic and Statistical Manual of Mental Disorders* at the time of
165 diagnosis.

166 (f) Information that could reasonably be used to identify individuals making claims or who
167 have made claims or who have received benefits under this Code section shall be treated
168 as sensitive mental health information and, absent express authorization by the individual,
169 shall only be used and shared for administration of benefits, underwriting, and for purposes
170 of aggregation and de-identification or for purposes of compliance with applicable laws
171 and published privacy notices. Communications, in any form, between such individuals

172 and the administrator or insurer of the benefits also shall be confidential and privileged
173 pursuant to Code Section 24-5-501.

174 (g) The benefits shall be administered in a manner designed to ensure that first responders
175 are able to obtain the lump sum benefit provided for in paragraph (1) of subsection (b) of
176 this Code section in a confidential manner similar to receiving mental health benefits under
177 an employer sponsored major medical health plan or employee assistance program, or, for
178 the disability benefit provided for in paragraph (2) of subsection (b) of this Code section,
179 in a confidential manner similar to receiving other employer sponsored disability benefits
180 involving mental health issues. In no event shall information solely about an individual's
181 diagnosis, claims, or benefits be used for any employment action.

182 45-25-4.

183 The governing authority of any county, municipality, or consolidated government is
184 authorized to use available revenues, including, but not limited to, proceeds from county
185 and municipal taxes imposed under Chapter 8 of Title 33, for purposes of providing
186 insurance under this chapter.

187 45-25-5.

188 Funds received as premiums for the coverages specified in this chapter shall not be subject
189 to premium taxes under Chapter 8 of Title 33.

190 45-25-6.

191 The computation of premium amounts by an insurer for the coverages specified in this
192 chapter shall be subject to generally accepted adjustments from insurance underwriting."

193 **SECTION 2.**

194 Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of
195 Georgia taxable net income, is amended in subsection (a) by adding a new paragraph to read
196 as follows:

197 "(12.5) Payments received by a first responder pursuant to subsection (b) of Code
198 Section 45-25-3, to any extent such amounts are included in the taxpayer's federal
199 adjusted gross income and are not otherwise exempt under any other provision of this
200 Code section;"

201 **SECTION 3.**

202 This Act shall become effective on July 1, 2024. Section 2 of this Act shall be applicable to
203 taxable years beginning on or after January 1, 2024.

204 **SECTION 4.**

205 All laws and parts of laws in conflict with this Act are repealed.