

House Bill 855

By: Representatives Kennard of the 102nd, Hitchens of the 161st, Hugley of the 136th, Jones of the 25th, Crowe of the 110th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to
2 workers' compensation, so as to provide workers' compensation coverage for first responders
3 for post-traumatic stress disorder arising in the course and scope of employment; to provide
4 for definitions; to provide for a rebuttable presumption; to provide for applicability; to
5 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers'
10 compensation, is amended by revising paragraph (4) of Code Section 34-9-1, relating to
11 definitions, as follows:

12 "(4) 'Injury' or 'personal injury' means only injury by accident arising out of and in the
13 course of ~~the~~ employment and shall not, except as provided in this chapter, include a
14 disease in any form except where it results naturally and unavoidably from the accident.
15 Except as otherwise provided in this chapter, the term 'injury' ~~and or~~ 'personal injury'
16 shall include the aggravation of a preexisting condition by accident arising out of and in

17 the course of employment, but only for so long as the aggravation of the preexisting
18 condition continues to be the cause of the disability; the preexisting condition shall no
19 longer meet this ~~criteria~~ criteria when the aggravation ceases to be the cause of the
20 disability. The term 'injury' or 'injury' and 'personal injury' shall not include injury caused
21 by the willful act of a third person directed against an employee for reasons personal to
22 such employee, nor shall the term 'injury' and or 'personal injury' include heart disease,
23 heart attack, the failure or occlusion of any of the coronary blood vessels, stroke, or
24 thrombosis unless it is shown by a preponderance of competent and credible evidence,
25 which shall include medical evidence, that any of such conditions were attributable to the
26 performance of the usual work of employment. Alcoholism and disabilities attributable
27 thereto shall not be deemed to be 'injury' or 'personal injury' by accident arising out of and
28 in the course of employment. Drug addiction or disabilities resulting therefrom shall not
29 be deemed to be 'injury' or 'personal injury' by accident arising out of and in the course
30 of employment except when such addiction or disability resulted from the use of drugs
31 or medicines prescribed for the treatment of the initial injury by an authorized physician.
32 Notwithstanding any other provision of this chapter, and solely for members of the
33 Georgia National Guard and State Defense Force, an injury arising in the course of
34 employment shall include any injury incurred by a member of the Georgia National
35 Guard or State Defense Force while serving on state active duty or when traveling to and
36 from state active duty. Notwithstanding any other provision of this chapter, and solely
37 for first responders, the term 'injury' or 'personal injury' shall include post-traumatic stress
38 disorder as provided in Article 8A of this chapter."

39 **SECTION 2.**

40 Said chapter is further amended by adding a new article to read as follows:

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41 "ARTICLE 8A

42 34-9-340.

43 (a) As used in this Code section, the term:

44 (1) 'First responder' means an employee who works for a public entity as a peace officer,
45 correctional officer, emergency health worker, firefighter, highway emergency response
46 operator, jail officer, juvenile correctional officer, probation officer, or emergency
47 services dispatcher.

48 (2) 'Psychologically traumatic event' means an occurrence witnessed visibly or audibly,
49 or both visually and audibly, that involves:

50 (A) A serious bodily injury, or the immediate aftermath of the serious bodily injury,
51 of one or more individuals as a result of an accident or intentional act; or

52 (B) The death, or the immediate aftermath of the death, of one or more individuals as
53 a result of a violent event.

54 (3) 'Public entity' means the State of Georgia and all departments, instrumentalities, and
55 authorities thereof; each county within the state, including its school district; each
56 independent public school district; and any municipal corporation within the state and any
57 political division thereof.

58 (b) If a first responder experiences one or more psychologically traumatic events and is
59 thereafter diagnosed with post-traumatic stress disorder by a mental health professional
60 licensed in this state, such psychological injury shall be presumed to arise out of and in the
61 course of employment and shall be compensable under this chapter.

62 (c) The presumption in subsection (b) of this Code section may be rebutted by scientific
63 evidence that the first responder experienced a psychiatric stressor from a source other than
64 a psychologically traumatic event arising out of and in the course of the first responder's
65 employment and that such other stressor was a significant factor in the cause, aggravation,
66 or progression of the post-traumatic stress disorder. Mere evidence that the post-traumatic

67 stress disorder was preexisting or an abstract medical opinion that the psychologically
68 traumatic event was not a factor in the post-traumatic stress disorder is not sufficient to
69 overcome the presumption in subsection (b) of this Code section.

70 (d) Nothing in this Code section shall be construed as requiring an accompanying physical
71 injury for the psychological injury of post-traumatic stress disorder to be compensable
72 under this chapter.

73 (e) This Code section shall apply to any first responder who is diagnosed with
74 post-traumatic stress disorder within three years of the date of the most recent
75 psychologically traumatic event experienced by the first responder.

76 (f) This Code section shall apply to first responders who experience a psychologically
77 traumatic event on or after July 1, 2022."

78 **SECTION 3.**

79 This Act shall become effective upon its approval by the Governor or upon its becoming law
80 without such approval.

81 **SECTION 4.**

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