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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1632 Session of  
2023

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INTRODUCED BY O'MARA, SOLOMON, GILLEN, KHAN, SCOTT, BRENNAN,  
RIGBY, SCHLOSSBERG, McNEILL, HILL-EVANS, PIELLI, MADDEN,  
HANBIDGE, DELLOSO, HOWARD, SANCHEZ, D. MILLER, STURLA,  
WARREN, GUENST, STENDER, KINSEY, CEPEDA-FREYTIZ, D. WILLIAMS,  
MALAGARI, CERRATO, KRAJEWSKI, GREEN, CIRESI, OTTEN AND  
SHUSTERMAN, AUGUST 29, 2023

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REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, AUGUST 29, 2023

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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 interpretation and  
7 definitions, further providing for definitions; and, in  
8 liability and compensation, providing for compensation for  
9 post-traumatic stress injury.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Section 109 of the act of June 2, 1915 (P.L.736,  
13 No.338), known as the Workers' Compensation Act, is amended by  
14 adding definitions to read:

15 Section 109. In addition to the definitions set forth in  
16 this article, the following words and phrases when used in this  
17 act shall have the meanings given to them in this section unless  
18 the context clearly indicates otherwise:

19 \* \* \*

1 "First responder" means any of the following public servants:

2 (1) An emergency medical services provider or EMS provider,  
3 as defined in 35 Pa.C.S. § 8103 (relating to definitions).

4 (2) An active volunteer, employe or member of a fire  
5 company, as defined in 35 Pa.C.S. § 7802 (relating to  
6 definitions).

7 (3) A Pennsylvania State Police officer.

8 (4) A peace officer as defined in 18 Pa.C.S. § 501 (relating  
9 to definitions).

10 \* \* \*

11 "Post-traumatic stress injury" shall have the meaning given  
12 in 35 Pa.C.S. § 75A01 (relating to definitions).

13 \* \* \*

14 Section 2. Section 301 of the act is amended by adding a  
15 subsection to read:

16 Section 301. \* \* \*

17 (g) (1) A claim for a post-traumatic stress injury suffered  
18 by a first responder shall establish that the injury was  
19 sustained in the course and scope of the individual's employment  
20 as a first responder. A post-traumatic stress injury suffered by  
21 a first responder does not need to be the result of an abnormal  
22 working condition in order to be compensable.

23 (2) A post-traumatic stress injury suffered by an individual  
24 under paragraph (1) shall be based on assessment and diagnosis  
25 by a licensed medical professional or a licensed mental health  
26 professional whose scope of practice includes evaluation,  
27 assessment and diagnostic privileges as outlined by the scope of  
28 practice of the profession under the laws and regulations of  
29 this Commonwealth.

30 (3) A claim for a post-traumatic stress injury must be filed

1 within three years of the date of a diagnosis under paragraph  
2 (2).

3 (4) When a post-traumatic stress injury is diagnosed after  
4 the last date of employment, paragraph (1) shall not be  
5 construed to prohibit a claim against the employer of the  
6 claimant at the time of the direct exposure to the traumatic  
7 event which caused the injury.

8 (5) For purposes of this subsection, a post-traumatic stress  
9 injury suffered as a result of an employment action, including  
10 disciplinary action, job or performance evaluation, job  
11 transfers or employment termination, shall not be compensable.

12 Section 3. The amendment or addition of sections 109 and  
13 301(g) of the act shall apply to claims filed on or after the  
14 effective date of this section.

15 Section 4. This act shall take effect in 60 days.