

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1179 Session of
2024

INTRODUCED BY CAPPELLETTI, FONTANA, HUGHES, COSTA AND BREWSTER,
MAY 16, 2024

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
MAY 16, 2024

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in Commonwealth services, providing
3 for opportunities for municipal firefighters and volunteer
4 firefighters; establishing the Municipal and Volunteer
5 Firefighter Training and Education Incentive Program and the
6 Municipal and Volunteer Firefighter Training and Education
7 Incentive Fund; imposing duties on the State Fire Advisory
8 Board; imposing penalties; and making an appropriation.

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

11 Section 1. Chapter 73 of Title 35 of the Pennsylvania
12 Consolidated Statutes is amended by adding a subchapter to read:

13 SUBCHAPTER G

14 OPPORTUNITIES FOR MUNICIPAL FIREFIGHTERS AND

15 VOLUNTEER FIREFIGHTERS

16 Sec.

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7 Education Incentive Fund.

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10 § 7391. Scope of subchapter.

11 This subchapter relates to the requirements of and incentives
12 for certification, training and education opportunities for
13 municipal firefighters and volunteer firefighters.

14 § 7392. Definitions.

15 The following words and phrases when used in this subchapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Board." The State Fire Advisory Board.

19 "Commissioner." The State Fire Commissioner.

20 "Fire company." A volunteer fire company, a municipal fire
21 company or department or a combined volunteer and municipal fire
22 company.

23 "Firefighter." An individual who is a municipal firefighter
24 or volunteer firefighter.

25 "Firefighter level 1 certification." A certificate of
26 completion provided to an individual who successfully
27 demonstrates competency in performance of the duties of a
28 firefighter at the first level of progression as identified by
29 the National Fire Protection Association, through the completion
30 of a fire or emergency service training program under direct

1 supervision in hazardous conditions that is provided under
2 section 7383.1 (relating to curriculum, training and education
3 certification management system) and issued for demonstration of
4 the individual's knowledge and skills to function as an integral
5 member of a firefighting team that meets or exceeds the
6 requirements of the National Fire Protection Association.

7 "Fund." The Municipal and Volunteer Firefighter Training and
8 Education Incentive Fund established under section 7399(a)
9 (relating to Municipal and Volunteer Firefighter Training and
10 Education Incentive Fund).

11 "Immediately dangerous to life or health" or "IDLH." With
12 respect to a fire and emergency service, involving any of the
13 following:

14 (1) A concentration of airborne contaminants, normally
15 expressed in parts per million or milligrams per cubic meter,
16 which represents the maximum level from which an individual
17 could escape within 30 minutes without any escape-impairing
18 symptoms or irreversible health effects.

19 (2) A condition that would pose an immediate or delayed
20 threat to life, cause irreversible adverse health effects or
21 interfere with an individual's ability to escape unaided from
22 a hazardous environment.

23 "Municipal firefighter." An individual who:

24 (1) is hired by a municipal fire company; and

25 (2) receives pay, salary, compensation or other
26 consideration of value for participating in the fire service
27 and activities of the municipal fire company.

28 "Municipality." A county, city, borough, incorporated town
29 or township.

30 "Program." The Municipal and Volunteer Firefighter Training

1 and Education Incentive Program established under section
2 7398(a) (relating to Municipal and Volunteer Firefighter
3 Training and Education Incentive Program).

4 "Qualified expenses." As follows:

5 (1) Expenses that are actually and necessarily incurred
6 for attending and successfully completing training and
7 education prescribed under section 7383.1.

8 (2) The term includes expenses for:

9 (i) Tuition and fees.

10 (ii) Required textbooks and learning materials.

11 (iii) Required curriculum or instructional materials
12 required to administer curriculum.

13 (iv) Required computer hardware and computer
14 software associated with instruction.

15 (v) Transportation related to participation in
16 required training and education activities and other
17 valid educational expenses approved by the board.

18 "Volunteer fire company." A nonprofit chartered corporation,
19 association or organization located in this Commonwealth which
20 provides fire protection or rescue services and which may offer
21 other voluntary emergency services within this Commonwealth.

22 "Volunteer firefighter." An individual who:

23 (1) is a member of a fire company organized and existing
24 under the laws of this Commonwealth; and

25 (2) is unpaid and does not receive pay, salary,
26 compensation or other consideration of value for
27 participating in the fire service and activities of the fire
28 company.

29 § 7393. Guidelines.

30 (a) Authorization.--The board, in consultation with the

1 commissioner, shall coordinate, assist and establish guidelines,
2 as needed, to provide access to the training and education
3 certification management system established under section 7383.1
4 (relating to curriculum, training and education certification
5 management system) and facilitate the prompt implementation of
6 this subchapter.

7 (b) Contents.--The guidelines developed under this section
8 for a fire company to incorporate when establishing its
9 firefighting services team shall provide, at a minimum, the
10 following:

11 (1) That each firefighter hired, or enrolled in the case
12 of a volunteer firefighter, by a fire company shall have the
13 required certification, training and education necessary for
14 the position.

15 (2) Each position of activity or services that a
16 firefighter may hold with a fire company and the
17 certification, training and education level required for the
18 position.

19 (3) That unless otherwise provided in this subchapter, a
20 fire company is prohibited from hiring, or enrolling in the
21 case of a volunteer firefighter, for any position for
22 firefighting activities or services, a firefighter who does
23 not hold at least a firefighter level 1 certification or
24 equivalent required training as applicable.

25 § 7394. Firefighter training and education.

26 (a) Completion and certification.--A firefighter hired, or
27 enrolled in the case of a volunteer firefighter, by a fire
28 company on or after the effective date of this subsection shall
29 successfully complete the training and education program
30 established under section 7383.1 (relating to curriculum,

1 training and education certification management system) as a
2 requirement of employment or enrollment with the fire company.

3 The following apply:

4 (1) The fire company shall require, at a minimum, that
5 the firefighter provide a certification of completion of the
6 program of firefighter level 1 under section 7383.1 issued
7 for the demonstration of knowledge and skills to function as
8 an integral member of a firefighting team under direct
9 supervision in hazardous conditions, prior to hiring or
10 enrolling the individual as a member of the fire company.

11 (2) If the firefighter seeks a position in the fire
12 company that is not subject to certification, such as in the
13 case of a position with a municipal fire company or
14 department that does not require a firefighter level 1
15 certification or other certification but instead requires the
16 successful completion of other training or course work, the
17 fire company shall require proof of successful completion of
18 the training or course work.

19 (b) Time period.--Unless a firefighter is granted additional
20 time to complete the required training, a firefighter hired, or
21 enrolled in the case of a volunteer firefighter, on or after the
22 effective date of this subsection, shall be given one year to
23 become certified or otherwise meet the training requirements
24 before a municipal firefighter becomes ineligible to receive
25 pay, salary, compensation or other consideration of value from a
26 fire company or a volunteer firefighter becomes ineligible to be
27 enrolled with a fire company.

28 (c) Permissible and prohibited activities.--

29 (1) Except as provided in paragraph (2), a fire company
30 shall not be prohibited by this subchapter from:

1 (i) Hiring a noncertified individual for a position
2 that is not defined within the training and education
3 certification management system unless otherwise required
4 by law.

5 (ii) Establishing apprenticeship and internship
6 positions, programs or other similar opportunities for
7 training and education leading to certification while on
8 the job, whether developed by the fire company, the
9 commissioner, the Department of Education or an
10 independent entity specializing in firefighter
11 certification.

12 (2) Except for training purposes, an uncertified
13 individual is expressly prohibited from entering an IDLH
14 atmosphere and actively fighting any type of fire in the IDLH
15 atmosphere, regardless of whether the IDLH atmosphere is
16 contained within a structure or exists outside a structure.

17 § 7395. Database.

18 (a) Development of form.--The board, in consultation with
19 the commissioner, shall develop a standardized form for each
20 fire company to use to provide the certification, training and
21 education level of each firefighter at the fire company.

22 (b) Contents of form.--The information collected under the
23 form under subsection (a) shall include, at a minimum, the
24 following:

25 (1) The name of each firefighter at the fire company.

26 (2) The level of certification, training and education
27 successfully completed by each firefighter at the fire
28 company.

29 (3) The institution or training facility where the
30 certification, training and education of each firefighter at

1 the fire company occurred.

2 (c) Submittal of form.--Each fire company shall submit a
3 completed form under this section to the board with the
4 following information regarding firefighters at the fire
5 company:

6 (1) Firefighters employed, or enrolled in the case of
7 volunteer firefighters at the fire company, before the
8 effective date of this paragraph. The fire company shall
9 submit this information within 30 days of the effective date
10 of this paragraph.

11 (2) Each firefighter hired, or enrolled in the case of a
12 volunteer firefighter, on or after the effective date of this
13 paragraph. The fire company shall submit this information
14 within 30 days of the hiring or enrollment of the
15 firefighter.

16 (d) Update of information.--Each fire company shall update
17 the information provided under this section, in a form and
18 manner determined by the board, within 10 days of a change
19 regarding certification, training and education of a firefighter
20 at the fire company.

21 (e) Retention of information.--The board shall retain the
22 information provided under this section in an electronic
23 searchable database.

24 § 7396. Participation in fire company.

25 (a) Prohibitions.--Except as provided in subsections (b) and
26 (c) and unless permitted by this subchapter or as provided in
27 guidelines established by the board, the following apply:

28 (1) An individual who does not fulfill the requirements
29 of this subchapter may not serve as a firefighter.

30 (2) A fire company may not pay, provide a salary,

1 compensation or other consideration of value or, in the case
2 of a volunteer firefighter, enroll as a member for
3 participation in fire service or activities a firefighter who
4 fails to meet the requirements of this subchapter.

5 (b) Exception if certification not required.--A fire company
6 may hire, pay, provide a salary, compensation or other
7 consideration of value or, in the case of a volunteer
8 firefighter, enroll as a member in the fire company a
9 firefighter for a position that does not require certification
10 under section 7383.1 (relating to curriculum, training and
11 education certification management system).

12 (c) Exception for junior firefighter.--This subchapter shall
13 not restrict a fire company from permitting participation in
14 firefighter activities by a junior firefighter who is 18 years
15 of age or older.

16 § 7397. Penalties.

17 (a) Municipal fire company.--An official of a municipality
18 with a fire company who orders, authorizes or pays a salary to
19 an individual in violation of the provisions of this subchapter
20 commits a summary offense and shall, upon conviction, be
21 sentenced to pay a fine of not more than \$1,000 or be imprisoned
22 for a term of not more than 30 days.

23 (b) Volunteer fire company.--An individual acting or under a
24 duty to act for a volunteer fire company who orders, authorizes
25 or enrolls an individual as a member of the volunteer fire
26 company in violation of the provisions of this subchapter
27 commits a summary offense and shall, upon conviction, be
28 sentenced to pay a fine of not more than \$1,000 or be imprisoned
29 for a term of not more than 30 days.

30 (c) Individual acting or under duty to act.--For purposes of

1 this section:

2 (1) An individual is legally accountable for conduct
3 performed, or caused to be performed, by the individual under
4 this subchapter in the name of a volunteer fire company or on
5 its behalf to the same extent as if the conduct were
6 performed, or caused to be performed, in the individual's own
7 name or on the individual's own behalf.

8 (2) If a duty to act is imposed under this subchapter
9 upon a volunteer fire company, an agent of the volunteer fire
10 company having primary responsibility for the discharge of
11 the duty is legally accountable for a reckless omission to
12 perform the required act to the same extent as if the duty
13 were imposed by law directly upon the agent.

14 (3) If an individual is convicted of an offense by
15 reason of the individual's legal accountability for the
16 conduct of a volunteer fire company under this section, the
17 individual is subject to the sentence authorized by law when
18 a natural person is convicted of an offense of the grade and
19 the degree involved.

20 § 7398. Municipal and Volunteer Firefighter Training and
21 Education Incentive Program.

22 (a) Establishment and purposes.--The Municipal and Volunteer
23 Firefighter Training and Education Incentive Program is
24 established to:

25 (1) Provide assistance in the form of grants for
26 certification, training and education.

27 (2) Promote excellency in firefighter services.

28 (3) Incentivize improvement of firefighters through
29 training and education.

30 (4) Support the recruitment of firefighters.

1 (5) Provide assistance for certified firefighters to
2 become fire service instructors.

3 (b) Administration.--The board shall administer the program.

4 (c) Eligibility for firefighters generally.--A resident of
5 this Commonwealth who is a municipal firefighter or volunteer
6 firefighter is eligible to receive a grant under the program, in
7 accordance with this subchapter, if in the year that the
8 firefighter applies for a grant under the program, the
9 firefighter:

10 (1) was hired or enrolled as a member of a fire company;
11 or

12 (2) successfully completes training and education under
13 section 7383.1 (relating to curriculum, training and
14 education certification management system).

15 (d) Eligibility for fire service instructors.--A certified
16 firefighter is eligible to receive a grant under the program, in
17 accordance with this subchapter, if, in the year the certified
18 firefighter applies for a grant under the program, the certified
19 firefighter successfully completes training to become a fire
20 service instructor.

21 (e) Powers and duties of board.--The board shall:

22 (1) Implement and administer the program.

23 (2) Identify expenses that are qualified expenses under
24 the program or, in the case of a certified firefighter,
25 expenses that are reimbursable for training to become a fire
26 service instructor.

27 (3) Identify acceptable forms of proof of purchase
28 required for each qualified expense under the program or, in
29 the case of a certified firefighter, expenses that are
30 reimbursable for training to become a fire service

1 instructor.

2 (4) Develop an application and an application process
3 for the program, which shall include the following:

4 (i) The name and contact information of the
5 firefighter.

6 (ii) The name of the fire company at which the
7 firefighter is hired or enrolled.

8 (iii) The qualified expenses or other expenses for
9 which a grant is sought.

10 (iv) The entity providing the certification,
11 training or education.

12 (v) Proof of eligibility for a grant under the
13 program.

14 (5) Establish an evaluation process and guidelines for
15 the program.

16 (6) To the extent that program money is available, award
17 grants to:

18 (i) Each firefighter meeting the requirements of
19 subsection (c) (1), to be awarded on a pro rata basis. The
20 board shall set a deadline for the submittal of
21 applications under the program as a means to determine
22 the pro rata amount of the grant that an applicant could
23 be awarded.

24 (ii) Each firefighter meeting the requirements of
25 subsection (c) (2) in an amount equal to the applicant's
26 qualified expenses remaining after subtraction of the
27 amount of any Federal grant, State grant or other
28 scholarship or grant that the individual receives, but in
29 no case shall the grant awarded under the program exceed
30 \$1,000 per educational course or training course

1 successfully completed by the firefighter.

2 (iii) Each certified firefighter meeting the
3 requirements of subsection (d), to be awarded on a pro
4 rata basis. The board shall set a deadline for the
5 submittal of applications under the program as a means to
6 determine the pro rata amount of the grant that an
7 applicant could be awarded.

8 (7) Post the processes for the program and a listing of
9 the expenses identified as qualified training and education
10 expenses on the publicly accessible Internet website of the
11 board.

12 (8) Perform all other functions necessary to carry out
13 the program.

14 (f) Other limitations.--

15 (1) A firefighter is limited to a one-time award of a
16 grant under subsection (c)(1). An applicant receiving a grant
17 under subsection (c)(1) may not be awarded a second grant
18 under subsection (c) at any subsequent time.

19 (2) A firefighter receiving a grant under subsection (c)
20 may also receive a one-time award of a grant under subsection
21 (d).

22 (3) A grant awarded under the program shall not be for
23 an amount in excess of 10% of money available in the fund.

24 § 7399. Municipal and Volunteer Firefighter Training and
25 Education Incentive Fund.

26 (a) Establishment and purpose.--The Municipal and Volunteer
27 Firefighter Training and Education Incentive Fund is established
28 as a nonlapsing fund in the State Treasury for the purpose of
29 providing grants under the program.

30 (b) Initial appropriation.--For the 2023-2024 fiscal year,

1 the General Assembly shall appropriate for deposit into the fund
2 \$5,000,000 for the purpose of implementing, administering and
3 providing grants under the program.

4 (c) Fund sources.--The board may solicit and accept
5 alternative funding for the program, including Federal money,
6 State appropriations, grants, donations, gifts and other
7 payments from any source. Money for the program shall be
8 deposited into the fund.

9 (d) Appropriations.--

10 (1) All money deposited into the fund and interest and
11 other earnings on the money in the fund are appropriated to
12 the board on a continuing basis to award grants under the
13 program.

14 (2) Any appropriation by the General Assembly to the
15 fund shall be in addition to any appropriation made to the
16 board.

17 (e) Operation.--Any money remaining in the fund at the end
18 of each fiscal year, including interest and other earnings,
19 shall not revert to the General Fund but shall remain in the
20 fund.

21 (f) Administrative expenses.--The board may use up to 3% of
22 available money in the fund for administrative expenses
23 associated with the program.

24 (g) Allocation.--Beginning in fiscal year 2023-2024 and each
25 fiscal year thereafter, the sum appropriated annually by the
26 General Assembly, along with any Federal or State money received
27 for the program, shall be allocated as follows:

28 (1) Forty percent of the sum shall be allocated for
29 grants for the purpose specified under section 7398(c)(1)
30 (relating to Municipal and Volunteer Firefighter Training and

1 Education Incentive Program). If money allocated under this
2 paragraph remains after the close of the application period
3 and award of grants under section 7398(c)(1), any remaining
4 money shall be available to increase the percentage of money
5 allocated for grants for the purpose specified under section
6 7398(c)(2).

7 (2) Sixty percent of the sum shall be allocated for
8 grants for the purpose specified under section 7398(c)(2).

9 § 7399.1. Reports.

10 (a) Requirement.--On or before the date that is one year
11 after the effective date of this paragraph, and each year
12 thereafter, the board shall issue a report on the program.

13 (b) Contents.--Each report under subsection (a) shall
14 contain the following:

15 (1) The number of firefighters applying for grants under
16 the program.

17 (2) The number of grants approved and denied, in whole
18 or in part, under the program.

19 (3) The nature of the grants awarded under the program,
20 in terms of certification, training or education or regarding
21 training to become a fire service instructor.

22 (4) The amount of each grant awarded under the program.

23 (5) The name of each firefighter awarded a grant under
24 the program, along with the fire company at which the
25 firefighter was hired or enrolled.

26 (6) The money remaining in the fund.

27 (7) Any recommendations on improving the program.

28 (c) Submittal.--Each report under this section shall be
29 submitted to the following:

30 (1) The Governor.

1 (2) The commissioner.

2 (3) The Secretary of Health of the Commonwealth.

3 (4) The chairperson and minority chairperson of the
4 Health and Human Services Committee of the Senate.

5 (5) The chairperson and minority chairperson of the
6 Health Committee of the House of Representatives.

7 § 7399.2. Construction.

8 This subchapter shall not be construed to exempt a municipal
9 firefighter from the provisions of the existing civil service
10 laws or laws relating to tenure.

11 Section 2. This act shall take effect immediately.