

HOUSE BILL 1356

By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 51, Part 2; Title 50, Chapter 6 and Title 68, Chapter 102, relative to firefighters.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

WHEREAS, the responsibilities of the modern firefighter continue to expand well beyond fighting fires and now require response to numerous incidents, such as emergency medical response, incidents involving hazardous materials, vehicle extrication, mass casualty incidents, disaster relief, search and rescue, and active shooter incidents; and

WHEREAS, suicide has become an epidemic in the fire service in the United States; and

WHEREAS, cumulative post-traumatic stress resulting in post-traumatic stress disorder is one of the leading causes of those suicides; and

WHEREAS, post-traumatic stress disorder can only be diagnosed by a doctor licensed in mental health; and

WHEREAS, post-traumatic stress disorder can be treated, and firefighter lives and careers can be saved with treatment; and

WHEREAS, by providing firefighters with post-traumatic stress disorder treatment, employers will realize financial savings by not having to replace and retrain new firefighters; and

WHEREAS, the Workers' Compensation Law does not recognize cumulative post-traumatic stress disorder as an on-the-job injury; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, Part 2, is amended by adding the following as a new section:

(a) This section is known and may be cited as the "James 'Dustin' Samples Act."

(b) As used in this section:

(1) "Employer" means a municipality, county, metropolitan form of government, or other political subdivision of this state that employs firefighters;

(2) "Fire department" means a fire department recognized by the state fire marshal's office pursuant to the Fire Department Recognition Act, compiled in title 68, chapter 102, part 3, and staffed by regular, full-time employees;

(3) "Firefighter":

(A) Means a regular or full-time, paid employee of the fire department of a municipality, county, municipal form of government, or other political subdivision of this state and whose duties require the employee to actively engage in fire suppression, rescue services, or other emergency response tasks; and

(B) Includes employees whose previous duties required the employee to respond to and be actively engaged in fire suppression, rescue services, or other emergency response tasks;

(4) "In the line of duty" means in the course of employment and in the actual discharge of the duties of the position;

(5) "Mental health professional" means an individual professionally licensed to diagnose and treat post-traumatic stress disorders; and

(6) "Post-traumatic stress disorder" has the same meaning as defined in the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association.

(c) If a firefighter is diagnosed with post-traumatic stress disorder by a mental health professional, then the injury is presumed to have been incurred in the line of duty and is compensable under the Workers' Compensation Law, compiled in title 50, chapter

6, unless it is shown by a preponderance of the evidence that the post-traumatic stress disorder was caused by non-service-connected risk factors or non-service-connected exposure.

(d) This section applies to a firefighter who is diagnosed with post-traumatic stress disorder within three (3) years of the firefighter's final date of employment with the employer fire department.

(e) A mental condition resulting solely from disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by the employer is not considered an injury sustained in the line of duty under this section.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.