

HOUSE BILL NO. 239

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 1/8/24

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the presumption of compensability for workers' compensation**
2 **claims related to post-traumatic stress disorder; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 23.30 is amended by adding a new section to read:

5 **Sec. 23.30.118. Presumption of compensability for post-traumatic stress**
6 **disorder.** (a) There is a presumption that an employee's claim for compensation as a
7 result of post-traumatic stress disorder is within the provisions of this chapter if the
8 employee

9 (1) is employed or was employed in an occupation listed in (b)(2) of
10 this section; and

11 (2) while employed or within three years after the last date of the
12 employee's employment, receives a diagnosis by a psychiatrist or a psychologist of
13 post-traumatic stress disorder.

14 (b) The presumption of compensability described in (a) of this section

1 (1) may be rebutted by a preponderance of the evidence that the
 2 employee's post-traumatic stress disorder resulted from factors that were not work
 3 related;

4 (2) applies only to the following employees:

5 (A) correctional officers;

6 (B) emergency medical technicians;

7 (C) emergency medical dispatchers;

8 (D) firefighters;

9 (E) mobile intensive care paramedics licensed under AS 18.08;

10 (F) peace officers; and

11 (G) employees who are certified under state law to perform
 12 emergency medical services; and

13 (3) notwithstanding AS 23.30.100(a), applies for a period of three
 14 years following the last date of the employee's employment.

15 (c) In this section,

16 (1) "correctional officer" has the meaning given in AS 18.65.290;

17 (2) "emergency medical dispatcher" has the meaning given in
 18 AS 18.08.200;

19 (3) "emergency medical service" has the meaning given in
 20 AS 18.08.200;

21 (4) "emergency medical technician" has the meaning given in
 22 AS 18.08.200;

23 (5) "firefighter" has the meaning given in AS 23.30.121(f);

24 (6) "peace officer" has the meaning given in AS 11.81.900(b).

25 * **Sec. 2.** AS 23.30.120(c) is amended to read:

26 (c) **Except as provided in AS 23.30.118, the** [THE] presumption of
 27 compensability established in (a) of this section does not apply to a mental injury
 28 resulting from work-related stress.

29 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).