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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1431 Session of  
2023

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INTRODUCED BY KINKEAD, GUENST, ROZZI, ISAACSON, PISCIOTTANO,  
MADDEN, GERGELY, McNEILL, MALAGARI, SANCHEZ, DELLOSO, HILL-  
EVANS, HOHENSTEIN, KINSEY, PARKER, GALLOWAY, GREEN AND  
NEILSON, JUNE 20, 2023

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 20, 2023

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in Commonwealth services, providing  
3 for work-related hazardous duty.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 35 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 7309. Work-related hazardous duty.

9 (a) Presumption of work-related hazardous duty.--

10 Notwithstanding any other provision of this title or any other  
11 law or regulation, an individual employed by a life-sustaining  
12 business or occupation who is required to work and who  
13 contracts, has symptoms of or is otherwise exposed to an  
14 infectious disease during the declaration of a disaster  
15 emergency under section 7301 (relating to general authority of  
16 Governor), the declaration of an epidemic or a public health  
17 emergency in this Commonwealth by the Governor or a pandemic,

1 which results in a period of hospitalization, quarantine,  
2 isolation or other control measures due to infection or  
3 exposure, shall establish a presumption that the individual's  
4 medical condition or inability to work is work-related hazardous  
5 duty.

6 (b) Hazardous duty deemed on-duty time.--An individual with  
7 an established presumption of work-related hazardous duty under  
8 subsection (a) may not be required to use sick time, vacation  
9 time, personal time or any other accrued paid time off or  
10 contractual time off to cover the period of incapacitation or  
11 inability to work.

12 (c) Eligibility for unemployment compensation.--  
13 Notwithstanding any provision of the act of December 5, 1936  
14 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment  
15 Compensation Law, an individual with an established presumption  
16 of work-related hazardous duty under subsection (a) shall be  
17 eligible and qualified for unemployment compensation for the  
18 duration of the period of incapacitation or inability to work.

19 (d) Eligibility for workers' compensation.--Notwithstanding  
20 any provision of the act of June 2, 1915 (P.L.736, No.338),  
21 known as the Workers' Compensation Act, an individual with an  
22 established presumption of work-related hazardous duty under  
23 subsection (a) shall be eligible and qualified for workers'  
24 compensation for all medical costs related to infection or  
25 exposure.

26 (e) Definitions.--As used in this section, the following  
27 words and phrases shall have the meanings given to them in this  
28 subsection unless the context clearly indicates otherwise:

29 "COVID-19." The novel coronavirus as identified in the  
30 Governor's proclamation of disaster emergency issued March 6,

1 2020, published at 50 Pa.B 1644 (March 21, 2020).

2 "Individual employed by a life-sustaining business or  
3 occupation." A front-line employee or other individual who is  
4 employed by or under contract with a life-sustaining business or  
5 entity and who is required to work during a public health  
6 emergency. The term includes:

7 (1) A first responder, including a law enforcement  
8 officer, firefighter, emergency medical technician and any  
9 other individual who is considered to be a first responder.

10 (2) A corrections officer or other support staff.

11 (3) An emergency services dispatcher.

12 (4) An ambulance driver.

13 (5) A retail worker, including a restaurant, food  
14 services or grocery store worker, cashier or other support  
15 staff.

16 (6) A food or agriculture worker.

17 (7) A medical, health care or public health worker,  
18 including a doctor, nursing professional, physician  
19 assistant, paramedic or other support staff.

20 (8) A pharmacist or any cashier or other support staff.

21 (9) A home health care worker.

22 (10) A public utility worker, including a worker engaged  
23 in providing telecommunications, energy, water or wastewater  
24 services or public works.

25 (11) An employee of State or local government.

26 (12) A trash collector.

27 (13) A warehouse worker.

28 (14) Any other individual who is employed by a life-  
29 sustaining business or occupation and who is required to work  
30 during a public health emergency.

1 "Infectious disease." As follows:

2 (1) A disease that is:

3 (i) caused by a microorganism, such as a bacterium,  
4 virus or protozoan;

5 (ii) not normally found in the human body; and

6 (iii) capable of causing infection.

7 (2) The term includes COVID-19 or any other novel virus  
8 or infectious disease.

9 (3) Some, but not all, infectious diseases are  
10 contagious, meaning that they can spread from person to  
11 person, including COVID-19 or the coronavirus. Other  
12 infectious diseases can spread from animals or insects to  
13 humans, but not from person to person.

14 "Life-sustaining business or occupation." A list of  
15 businesses or occupations, as designated by the Governor, that  
16 perform or conduct a range of vital operations, functions and  
17 services that are essential to assisting the Commonwealth and  
18 its political subdivisions in protecting people and their  
19 communities while ensuring continuity of functions critical and  
20 essential to public health and safety, as well as economic and  
21 homeland security, and that should continue normal operations,  
22 appropriately modified to account for the Centers for Disease  
23 Control and Prevention's and the Department of Health's  
24 workforce and customer protection guidance, during the  
25 declaration of a disaster or public health emergency.

26 "Public health emergency." An emergency declaration by the  
27 Governor of an occurrence or imminent threat of a disease or  
28 condition of critical public health importance with the  
29 following characteristics:

30 (1) Is believed to be caused by any of the following:

1           (i) The emergence and spread of a novel or  
2 previously controlled or eradicated infectious disease.

3           (ii) An infectious disease epidemic in this  
4 Commonwealth or a pandemic.

5           (2) Poses a high probability of any of the following in  
6 the affected population:

7           (i) Death.

8           (ii) Serious or long-term disabilities.

9           (iii) Widespread exposure to an infectious disease,  
10 which poses a significant risk of substantial present or  
11 future harm to the public health and safety.

12 Section 2. This act shall take effect immediately.