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SYNOPSIS:

Under existing workers' compensation law, an occupational disease is not considered to include a mental illness, including post-traumatic stress disorder (PTSD), unless a physical injury accompanies the mental illness.

This bill would require certain benefits be provided to first responders who suffer from work-related PTSD, including reimbursement for certain out-of-pocket treatment expenses and paid time off for employed first responders for treatment. It would provide eligibility requirements for participants to receive the benefits.

This bill would require that a municipality employing first responders to provide supplemental insurance coverage to pay benefits for work-related PTSD.

Section 111.05 of the Constitution of Alabama of 2022 prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected



29 entity; or the Legislature appropriates funds, or
30 provides a local source of revenue, to the entity for
31 the purpose.

32 The purpose or effect of this bill would be to
33 require a new or increased expenditure of local funds
34 within the meaning of the amendment. If this bill is
35 not enacted by a 2/3 vote, it will not become effective
36 with regard to a local entity or until, and only as
37 long as, the Legislature appropriates funds or provides
38 for a local source of revenue.

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A BILL

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TO BE ENTITLED

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AN ACT

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46 Relating to first responders; to require certain
47 benefits be made available to first responders suffering from
48 work-related post-traumatic stress disorder; to make certain
49 leave benefits available to employed first responders; and to
50 have as its purpose or effect the requirement of a new or
51 increased expenditure of local funds within the meaning of
52 Section 111.05 of the Constitution of Alabama of
53 2022.

54 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

55 Section 1. For the purposes of this act, the following
56 terms have the following meanings:



57 (1) BENEFITS. The coverage provided under this act as
58 described in Section 3.

59 (2) COVERED PARTICIPANT. A first responder whose annual
60 premium has been paid as provided in this act.

61 (3) EMPLOYER. The employing municipality or fire
62 district entity which employs first responders.

63 (4) FIRST RESPONDER: Any of the following:

64 a. CAREER FIREFIGHTER. Any individual employed by a
65 municipality or a fire district who has obtained certification
66 as a firefighter through, and as defined by, the Alabama
67 Firefighters' Personnel Standards and Education Commission.

68 b. VOLUNTEER FIREFIGHTER. Any individual who is an
69 active member of a volunteer or combination career and
70 volunteer fire department, as recognized by the Alabama
71 Forestry Commission, regardless of whether the individual is
72 certified as a volunteer firefighter through, and as defined
73 by, the Alabama Firefighters' Personnel Standards and
74 Education Commission, who may or may not receive remuneration
75 for firefighting activities, but is not offered typical
76 employment benefits, including health insurance coverage.

77 c. OFFICER. A law enforcement officer certified by the
78 Alabama Peace Officers' Standards and Training Commission and
79 employed by a municipality.

80 (5) POST-TRAUMATIC STRESS DISORDER (PTSD). A mental
81 health condition that meets the diagnostic criteria in the
82 Diagnostic and Statistical Manual of Mental Disorders, Fifth
83 Edition, published by the American Psychiatric Association.

84 (6) QUALIFIED TREATING PHYSICIAN. A licensed clinical



85 psychologist or board-certified psychiatrist licensed to
86 practice in this state and with experience diagnosing PTSD,
87 utilizing an evaluation that includes symptom validity testing
88 and other procedures to rule out the presence of malingering
89 PTSD by using established guidelines and criteria.

90 (7) QUALIFYING EVENT. An isolated and extraordinarily
91 traumatic event involving a first responder acting within the
92 line and scope of duty and that includes the first responder
93 satisfying either of the following:

94 a. Witnessing or being directly engaged in actions
95 resulting in the death of an individual or individuals on the
96 scene of an event.

97 b. Witnessing or being directly engaged in actions,
98 during or in rapid emergency response immediately after the
99 occurrence, that resulted in injuries of such an extraordinary
100 and severe nature that they lead directly to the death of an
101 individual or individuals due to the injuries on the way to,
102 or no more than 48 hours after, reaching a hospital for
103 initial treatment.

104 (8) VOLUNTEER FIRE DEPARTMENT. A group of area
105 residents organized to provide fire protection and recognized
106 by the Alabama Forestry Commission as a volunteer fire
107 department.

108 (9) VOLUNTEER PARTICIPANT. A first responder whose
109 annual premium has been paid as provided in this act.

110 Section 2. (a) An employer of first responders shall
111 provide and maintain sufficient insurance coverage to pay
112 claims for benefits required by this act.



113 (b) A volunteer fire department is not required to
114 provide coverage under this act for volunteer firefighters.
115 Any insurer who provides coverage under this act shall make
116 all coverage available to any volunteer firefighter. Coverage
117 premiums extended to a volunteer firefighter shall be
118 consistent with premiums for employed firefighters.

119 (c) Nothing in this section shall prevent a volunteer
120 fire department, regional association of volunteer fire
121 departments, a municipality, or any combination of these from
122 optionally contributing in part or in whole to the premium of
123 an individual volunteer firefighter.

124 (d) In the event a first responder is employed by more
125 than one employer simultaneously, the primary employer shall
126 be responsible for the benefits provided for in this act. The
127 primary employer shall be identified as the employer who
128 provides primary health insurance benefits to the first
129 responder.

130 (e) If a covered participant leaves eligible employment
131 or retires during a covered year, the employer is not entitled
132 to any refund of any portion of the paid premium for that
133 calendar year. If a volunteer participant discontinues service
134 with a volunteer fire department during a covered year, the
135 volunteer participant, or in the case of a volunteer fire
136 department that has paid or contributed to the volunteer
137 participant's premium, is not entitled to any refund of any
138 portion of the paid premium for that calendar year.

139 (f) If a covered participant transfers to other
140 eligible employment with a different employer, the new



141 employer shall not be required to pay the premium on that
142 participant until the current calendar year's coverage expires
143 with the previous employer.

144 (g) A covered participant or volunteer participant is
145 no longer entitled to any benefits if he or she resigns, is
146 terminated, or retires from eligible employment with an
147 employer. A volunteer participant is no longer entitled to any
148 benefits if he or she is no longer associated with a volunteer
149 fire department or is otherwise ineligible to serve as a
150 volunteer firefighter.

151 (h) Any funds received as premiums for the coverages
152 provided by this act may not be subject to any premium taxes
153 otherwise required by law.

154 (i) The computation of premium amounts by an insurer
155 for the coverages under this act shall be subject to generally
156 accepted adjustments from insurance underwriting.

157 Section 3. (a) To claim benefits under this act, a
158 covered participant or volunteer participant must satisfy all
159 of the following:

160 (1) Experiences a qualifying event during the 12-month
161 period immediately preceding the date the first claim for
162 benefits is submitted.

163 (2) Agrees that the employer or volunteer fire
164 department is not liable under Chapter 5, Title 25, Code of
165 Alabama 1975, to the covered participant or volunteer
166 participant who elects to receive benefits under this act. The
167 exemption from liability provided in this subdivision is based
168 on the specific diagnosis for which the covered participant or



169 volunteer participant elects to receive benefits.

170 (3) Participates in an applicable peer support event,
171 conducted by a certified peer support member where the covered
172 participant or volunteer participant received a debriefing,
173 defusing, or coaching session in accordance with Section
174 36-21-14, Code of Alabama 1975.

175 (4) Receives certification from an qualified treating
176 physician providing both of the following:

177 a. That the covered participant or volunteer
178 participant has been diagnosed with PTSD and that the disorder
179 resulted solely from his or her involvement in a qualifying
180 event that occurred in the course of his or her employment, or
181 in the case of a volunteer participant, during the course of
182 his or her activities with a volunteer fire department, and
183 not from an event or events that occurred outside the line and
184 scope of, or prior to or after, his or her employment or
185 activities with a volunteer fire department.

186 b. That the treatment, including therapy or counseling,
187 is medically necessary.

188 (5) Authorizes the insurer to communicate with the
189 qualified treating physician for the limited and sole purpose
190 of confirming PTSD treatment to the extent necessary to verify
191 claims for benefits under this act.

192 (b) A covered participant or volunteer participant
193 currently employed by an employer or working with a volunteer
194 fire department, respectively, shall be reimbursed for any
195 co-payment or deductible not covered by the covered
196 participant or volunteer participant's health insurance and



197 paid by the covered participant or volunteer participant for
198 the treatment of PTSD. The total co-payment or deductible
199 benefits that a covered participant or volunteer participant
200 may receive may not exceed fifteen thousand dollars (\$15,000)
201 during his or her lifetime.

202 (c) (1) A covered participant or volunteer participant
203 currently employed by an employer or working with a volunteer
204 fire department, respectively, shall be reimbursed for travel
205 for PTSD treatment.

206 (2) The reimbursement shall be per mile for a round
207 trip at the current standard mileage rate set by the Internal
208 Revenue Service for medical care for income tax deduction if
209 the travel meets all of the following conditions:

210 a. The purpose is to visit an qualified treating
211 physician for PTSD treatment.

212 b. The mileage, one way, between the covered
213 participant or volunteer participant's residence and the
214 qualified treating physician is at least 25 miles.

215 c. The travel is not outside the State of Alabama.

216 Section 4. (a) An employer covered by this act shall
217 provide a covered participant who is employed full time by the
218 employer up to an additional 80 working hours of paid leave,
219 per claim related to a specific event, to seek treatment for
220 PTSD.

221 (b) Any leave taken to seek treatment for PTSD shall be
222 without any loss of pay and shall be in addition to all types
223 of leave otherwise applicable under the employer's policies,
224 including sick leave, personal leave, and annual vacation.



225 (c) Any leave taken to seek treatment for PTSD shall
226 not be used by the employer as a factor in any performance
227 evaluation given to the covered participant or any
228 disciplinary action required under the employer's policies to
229 be administered to the covered participant.

230 Section 5. The reimbursement and benefits requirements
231 of this act shall not apply to PTSD resulting from events
232 occurring prior to the effective date of this act.

233 Section 6. The purpose or effect of this bill would be
234 to require a new or increased expenditure of local funds
235 within the meaning of Section 111.05 of the Constitution of
236 Alabama of 2022. If this bill is not enacted by a 2/3 vote, it
237 will not become effective with regard to a local entity unless
238 approved by the local entity or until, and only as long as,
239 the Legislature appropriates funds or provides for a local
240 source of revenue.

241 Section 7. This act shall become effective January 1,
242 2025, following its passage and approval by the Governor, or
243 its otherwise becoming law.