

The House Committee on Insurance offers the following substitute to HB 451:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and
2 employees, so as to require the provision of supplemental, illness-specific insurance to
3 certain first responders diagnosed with occupational post-traumatic stress disorder; to provide
4 for legislative findings; to provide for definitions; to provide for certain insurance benefits
5 to eligible first responders; to provide for limitations and restrictions of such benefits; to
6 provide for methods of funding; to provide for treatment of premiums; to provide for annual
7 reporting; to amend Code Section 48-7-27 of the Official Code of Georgia Annotated,
8 relating to computation of Georgia taxable net income, so as to provide an exemption for
9 benefits received from such insurance coverage for first responders; to provide for related
10 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
11 other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
15 is amended by adding a new chapter to read as follows:

H. B. 451 (SUB)

16 "CHAPTER 25

17 45-25-1.

18 The Georgia General Assembly finds that:

19 (1) First responders are often exposed to traumatic events in the line of duty and are at
20 risk of developing post-traumatic stress disorder, which, if untreated, can result in the
21 inability to serve as a first responder as well as grave health consequences, including
22 death by suicide;

23 (2) Major medical insurance provides coverage for mental health treatment on parity
24 with other illnesses, and major medical insurance companies are best suited to help first
25 responders identify healthcare providers who can treat post-traumatic stress disorder and
26 provide coverage for treatment by such providers;

27 (3) The Office of Public Safety Support within the Department of Public Safety was
28 established to provide peer counselors and critical incident support services to first
29 responders exposed to traumatic events at work. The intent of this chapter is to expand
30 on this existing support by ensuring that, after a qualifying diagnosis of occupational
31 post-traumatic stress disorder, such first responders have financial resources readily
32 available to them;

33 (4) Having financial resources readily available to meet the financial needs of first
34 responders at the critically important time of identifying the mental healthcare provider
35 of their choice and beginning treatment, as well as having additional financial resources
36 available for the continuation of treatment, pursuit of recovery, and return to service as
37 first responders, will better serve first responders and their families; and

38 (5) Nothing in this chapter is intended to reimburse for or provide mental healthcare
39 treatment or replace or disrupt coverage for mental health treatment under major medical
40 insurance.

41 45-25-2.

42 As used in this chapter, the term:

43 (1) 'Covered condition' means an eligible first responder's occupational post-traumatic
44 stress disorder that is the direct result of an experience of or an exposure to a traumatic
45 event, wherein such experience or exposure takes place during the normal course of the
46 first responder's regular occupational or volunteer duties on behalf of a public entity and
47 the diagnosis is made no later than two years after the date of the traumatic event.

48 (2) 'Eligible first responder' means a first responder who experienced or was exposed to
49 a traumatic event during the normal course of performing regular occupational or
50 volunteer duties on behalf of a public entity and such experience or exposure resulted in
51 post-traumatic stress disorder, if the first responder received a diagnosis of post-traumatic
52 stress disorder arising from such experience or exposure no later than two years after the
53 traumatic event.

54 (3) 'First responder' means any of the following:

55 (A) 'Communications officer' as defined in Code Section 37-12-1;

56 (B) 'Correctional officer' as defined in Code Section 45-1-8;

57 (C) 'Emergency medical professional' as defined in Code Section 16-10-24.2;

58 (D) 'Emergency medical technician' as defined in Code Section 16-10-24.2;

59 (E) 'Firefighter' as defined in Code Section 25-4-2;

60 (F) 'Highway emergency response operator' as defined in Code Section 45-1-8;

61 (G) 'Jail officer' as defined in Code Section 45-1-8;

62 (H) 'Juvenile correctional officer' as defined in Code Section 45-1-8;

63 (I) 'Peace officer' as defined in Code Section 35-8-2;

64 (J) 'Probation officer' as defined in Code Section 45-1-8; and

65 (K) Law enforcement officer with the Department of Natural Resources.

66 (4) 'Monthly salary' means regular monthly earnings excluding overtime, bonuses, and
67 commissions.

68 (5) 'Post-traumatic stress disorder' means an anxiety disorder caused by experiencing or
69 being exposed to a traumatic event and which satisfies the clinical diagnostic criteria set
70 forth in the most recent published edition of the American Psychiatric Association's
71 *Diagnostic and Statistical Manual of Mental Disorders* at the time of diagnosis.

72 (6) 'Public entity' means a department, agency, board, bureau, commission, authority, or
73 instrumentality of the State of Georgia, any local government or authority, including a
74 county, municipal, or consolidated government in this state, or any other political division
75 in this state. Such term includes a school district, independent school district, or other
76 local school system in this state.

77 (7) 'Qualified diagnostician' means a physician, psychiatrist, or psychologist who is duly
78 authorized to practice in this state and is certified in a medical specialty appropriate for
79 trauma related mental health diagnoses.

80 (8) 'Traumatic event' means an actual or threatened death, serious injury, or act of sexual
81 violence that occurs on or after July 1, 2024, and which the first responder experienced
82 or was exposed to during the normal course of the first responder's regular occupational
83 or volunteer duties on behalf of a public entity. In cases involving multiple traumatic
84 events occurring on or after July 1, 2024, the traumatic event is the most recent event
85 determined by the qualified diagnostician to be related to the symptoms of post-traumatic
86 stress disorder.

87 45-25-3.

88 (a) A public entity shall provide and maintain sufficient insurance coverage on each of its
89 first responders to pay the benefits described in subsection (b) of this Code section to
90 eligible first responders with covered conditions arising from a traumatic event which the
91 first responder experienced or was exposed to while performing first responder services for

92 such public entity. Such coverage shall also pay such benefits for covered conditions
93 arising from an employed first responder's services as a volunteer first responder for
94 another public entity. In the event a volunteer first responder of one public entity is
95 simultaneously employed as a first responder by another public entity, the public entity for
96 which such person is a volunteer shall not be required to maintain the coverage on such
97 volunteer otherwise required under this Code section during the period of such employment
98 with the other public entity. In no circumstance shall a first responder be entitled, as a
99 result of this chapter, to more than the lifetime benefits described under this chapter.

100 (b) An eligible first responder with a covered condition shall be entitled to the following
101 benefits:

102 (1) One lump sum benefit per lifetime of \$3,000.00 payable to the eligible first responder
103 upon submission to the insurer of acceptable proof of a clinical diagnosis of a covered
104 condition by a qualified diagnostician as provided for in subsection (e) of this Code
105 section; and

106 (2) An income replacement disability benefit payable as a result of a clinical diagnosis
107 of a covered condition, which disability benefit is payable as described below:

108 (A) If the first responder's qualified diagnostician determines that the covered
109 condition precludes continuation of the first responder's regular occupational or
110 volunteer duties as a first responder and provides proof acceptable to the insurer,
111 including evidence of appropriate care and treatment, then the disability benefit shall
112 begin 90 days after the date the covered condition first precludes continuation of such
113 duties;

114 (B) The disability benefit shall continue, subject to standard requirements of disability
115 insurances and subject to the cumulative lifetime disability benefit limit described in
116 subparagraph (E) of this paragraph, during the period of continuous disability arising
117 from the covered condition;

118 (C) The disability benefit shall cease when the first responder's qualified diagnostician
119 determines that the eligible first responder has regained the ability to perform the duties
120 previously performed as a first responder;

121 (D) Subject to the cumulative lifetime disability benefit limit provided for in
122 subparagraph (E) of this paragraph, the disability benefit shall recommence if the first
123 responder's qualified diagnostician determines that the eligible first responder has again
124 become unable to perform his or her regular occupational or volunteer duties as a first
125 responder due to a covered condition and provides proof acceptable to the insurer; and

126 (E) The disability benefit shall end after a total of 36 monthly payments in the amount
127 set forth below have been made to the eligible first responder:

128 (i) If the eligible first responder is employed by a public entity, a monthly benefit
129 equal to 60 percent of the eligible first responder's combined monthly salary for all
130 public entities for which the first responder is employed as a first responder or a
131 monthly benefit of \$5,000.00, whichever is less; or

132 (ii) If the eligible first responder is a volunteer first responder and not employed as
133 a first responder by any public entity, a monthly benefit of \$1,500.00.

134 (c) Any first responder who receives income replacement disability benefits under
135 paragraph (2) of subsection (b) of this Code section may be required by the insurer
136 providing such benefits to have his or her condition reevaluated by a qualified
137 diagnostician selected by the insurer. In the event any such reevaluation reveals that such
138 first responder has regained the ability to perform the duties previously performed as a first
139 responder, then such benefits shall cease.

140 (d) The benefits under paragraph (2) of subsection (b) of this Code section, as applicable,
141 shall be subordinate to any other income replacement disability benefit actually paid to the
142 first responder for such disability from any employer funded group long-term disability
143 plan or workers' compensation benefit, not including any disability insurance purchased
144 in whole or in part by the first responder, and shall be limited to the difference between the

145 amount of such other paid benefit and the amount specified under subparagraph (b)(2)(E)
146 of this Code section, as applicable.

147 (e) Proof of a first responder's covered condition requires both of the following:

148 (1) A clinical diagnosis of post-traumatic stress disorder made by a qualified
149 diagnostician which substantiates that the clinical diagnosis is the direct result of
150 experiencing or being exposed to a traumatic event, or repeated experiences or exposures
151 to traumatic events, during his or her regular occupational or volunteer duties on behalf
152 of a public entity. Such clinical diagnosis shall be made within two years following the
153 date of the traumatic event, and such clinical diagnosis shall include documentation
154 indicating the date and nature of the traumatic event or the most recent traumatic event
155 related to the symptoms of post-traumatic stress disorder if due to repeated experiences
156 or exposures; and

157 (2) Written documentation of criteria required for the diagnosis of post-traumatic stress
158 disorder under the most recent published edition of the American Psychiatric
159 Association's *Diagnostic and Statistical Manual of Mental Disorders* at the time of
160 diagnosis.

161 (f) Information that could reasonably be used to identify individuals making claims or who
162 have made claims or who have received benefits under this Code section shall be treated
163 as sensitive mental health information and, absent express authorization by the individual,
164 shall only be used and shared for administration of benefits, underwriting, and for purposes
165 of aggregation and de-identification or for purposes of compliance with applicable laws
166 and published privacy notices. Communications, in any form, between such individuals
167 and the administrator or insurer of the benefits shall be confidential and privileged.

168 (g) The benefits shall be administered in a manner designed to ensure that first responders
169 are able to obtain the lump sum benefit provided for in paragraph (1) of subsection (b) of
170 this Code section in a confidential manner similar to receiving mental health benefits under
171 an employer sponsored major medical health plan or employee assistance program, or, for

172 the disability benefit provided for in paragraph (2) of subsection (b) of this Code section,
173 in a confidential manner similar to receiving other employer sponsored disability benefits
174 involving mental health issues. In no event shall information solely about an individual's
175 diagnosis, claims, or benefits be used for any employment action.

176 (h) The benefits shall be administered in a manner designed to enforce lifetime limits and
177 to coordinate benefits. Any insurer or self-insurer of the benefits shall disclose the amount
178 of benefits already paid to an individual upon written request by another insurer or
179 self-insurer that is evaluating a claim by such individual as provided under subsection (b)
180 of this Code section.

181 45-25-4.

182 The governing authority of any county, municipality, or consolidated government is
183 authorized to use available revenues, including, but not limited to, proceeds from county
184 and municipal taxes imposed under Chapter 8 of Title 33, for purposes of providing
185 insurance under this chapter.

186 45-25-5.

187 Funds received as premiums for the coverages specified in this chapter shall not be subject
188 to premium taxes under Chapter 8 of Title 33.

189 45-25-6.

190 The computation of premium amounts by an insurer for the coverages specified in this
191 chapter shall be subject to generally accepted adjustments from insurance underwriting.

192 45-25-7.

193 The Commissioner of Insurance shall submit an annual report summarizing the use of the
194 benefits provided for in this chapter to the chairpersons of the House Committee on

195 Insurance and the Senate Insurance and Labor Committee no later than July 1, 2025, and
196 annually thereafter. The Commissioner of Insurance shall not be required to distribute
197 copies of the annual report to the members of the General Assembly but shall notify the
198 members of the availability of the annual report in the manner which he or she deems to
199 be most effective and efficient."

200 **SECTION 2.**

201 Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of
202 Georgia taxable net income, is amended in subsection (a) by adding a new paragraph to read
203 as follows:

204 "(12.5) Payments received by a first responder pursuant to subsection (b) of Code
205 Section 45-25-3, to any extent such amounts are included in the taxpayer's federal
206 adjusted gross income and are not otherwise exempt under any other provision of this
207 Code section;"

208 **SECTION 3.**

209 This Act shall become effective on July 1, 2024. Section 2 of this Act shall be applicable to
210 taxable years beginning on or after January 1, 2024.

211 **SECTION 4.**

212 All laws and parts of laws in conflict with this Act are repealed.