

The Senate Committee on Insurance and Labor offered 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 certain insurance benefits to certain first  
3 responders diagnosed with occupational post-traumatic stress disorder; to provide for  
4 legislative findings; to provide for definitions; to provide for limitations and restrictions of  
5 such benefits; to provide for methods of funding; to provide for treatment of premiums; to  
6 provide for annual reporting; to amend Code Section 48-7-27 of the Official Code of Georgia  
7 Annotated, relating to computation of Georgia taxable net income, so as to provide an  
8 exemption for benefits received from such insurance coverage for first responders; to provide  
9 for a short title; to provide for related matters; to provide for an effective date and  
10 applicability; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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**SECTION 1.**

14 This Act shall be known as the "Ashley Wilson Act."

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**SECTION 2.**

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

18

"CHAPTER 2519 45-25-1.20 The Georgia General Assembly finds that:

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

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

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

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

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

43 45-25-2.

44 As used in this chapter, the term:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

70 (5) 'Post-traumatic stress disorder' means an anxiety disorder caused by experiencing or  
71 being exposed to a traumatic event and which satisfies the clinical diagnostic criteria set  
72 forth in the American Psychiatric Association's *Diagnostic and Statistical Manual of*  
73 *Mental Disorders*, in effect on January 1, 2024.

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

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

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

89 45-25-3.

90 (a) A public entity shall provide and maintain sufficient insurance coverage on each of its  
91 first responders to pay the benefits described in subsection (b) of this Code section to

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

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

104 (1) A supplemental illness-specific benefit, with a lifetime limit of \$3,000.00, payable  
105 to an eligible first responder upon submission to the insurer of:

106 (A) Acceptable proof of a clinical diagnosis of a covered condition by a qualified  
107 diagnostician as provided for in subsection (f) of this Code section; and

108 (B) Invoices or other acceptable documentation of out-of-pocket medical expenses  
109 incurred as a result of such condition; and

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

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

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

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

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

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

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

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

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

144 (d) The benefits under paragraph (1) of subsection (b) of this Code section, as applicable,  
145 shall be subordinate to any other insurance benefit payable to the first responder for  
146 medical expenses incurred as a result of the covered condition.

147 (e) The benefits under paragraph (2) of subsection (b) of this Code section, as applicable,  
148 shall be subordinate to any other income replacement disability benefit payable to the first  
149 responder for such disability from any employer funded group long-term disability plan or  
150 workers' compensation benefit, not including any disability insurance purchased in whole  
151 or in part by the first responder, and shall be limited to the difference between the amount  
152 of such other paid benefit and the amount specified under subparagraph (b)(2)(E) of this  
153 Code section, as applicable.

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

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

164 (2) Written documentation of criteria required for the diagnosis of post-traumatic stress  
165 disorder under the American Psychiatric Association's *Diagnostic and Statistical Manual*  
166 *of Mental Disorders*, in effect on January 1, 2024.

167 (g) Information that could reasonably be used to identify individuals making claims or  
168 who have made claims or who have received benefits under this Code section shall be  
169 treated as sensitive mental health information and, absent express authorization by the  
170 individual, shall only be used and shared for administration of benefits, underwriting, and

171 for purposes of aggregation and de-identification or for purposes of compliance with  
172 Article 4 of Chapter 18 of Title 50 or other applicable laws. Communications, in any form,  
173 between such individuals and the administrator or insurer of the benefits shall be  
174 confidential and privileged.

175 (h) The benefits shall be administered in a manner designed to ensure that first responders  
176 are able to obtain the lump sum benefit provided for in paragraph (1) of subsection (b) of  
177 this Code section in a confidential manner similar to receiving mental health benefits under  
178 an employer sponsored major medical health plan or employee assistance program, or, for  
179 the disability benefit provided for in paragraph (2) of subsection (b) of this Code section,  
180 in a confidential manner similar to receiving other employer sponsored disability benefits  
181 involving mental health issues. In no event shall information solely about an individual's  
182 diagnosis, claims, or benefits be used for any employment action.

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

188 45-25-4.

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

193 45-25-5.

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



196 45-25-6.

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

199 45-25-7.

200 The Commissioner of Insurance shall submit an annual report summarizing the use of the  
201 benefits provided for in this chapter to the chairpersons of the House Committee on  
202 Insurance and the Senate Insurance and Labor Committee no later than July 1, 2025, and  
203 annually thereafter. The Commissioner of Insurance shall not be required to distribute  
204 copies of the annual report to the members of the General Assembly but shall notify the  
205 members of the availability of the annual report in the manner which he or she deems to  
206 be most effective and efficient."

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### **SECTION 3.**

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

211 "(12.5) Payments received by a first responder pursuant to subsection (b) of Code  
212 Section 45-25-3, to any extent such amounts are included in the taxpayer's federal  
213 adjusted gross income and are not otherwise exempt under any other provision of this  
214 Code section;"

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### **SECTION 4.**

216 This Act shall become effective on January 1, 2025. Section 2 of this Act shall be applicable  
217 to taxable years beginning on or after January 1, 2024.

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**SECTION 5.**

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