

House Bill 451 (AS PASSED HOUSE AND SENATE)

By: Representatives Seabaugh of the 34th, Kennard of the 101st, Hitchens of the 161st, Gaines of the 120th, Camp of the 135th, and others

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 and may be cited as the "Ashley Wilson Act."

H. B. 451

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SECTION 2.

15
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 25

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

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

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

116 (B) The disability benefit shall continue, subject to standard requirements of disability
117 insurances and subject to the cumulative lifetime disability benefit limit described in

118 subparagraph (E) of this paragraph, during the period of continuous disability arising
119 from the covered condition;

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

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

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

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

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

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

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

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

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

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

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

165 (g) Information that could reasonably be used to identify individuals making claims or
166 who have made claims or who have received benefits under this Code section shall be
167 treated as sensitive mental health information and, absent express authorization by the
168 individual, shall only be used and shared for administration of benefits, underwriting, and
169 for purposes of aggregation and de-identification or for purposes of compliance with
170 Article 4 of Chapter 18 of Title 50 or other applicable laws. Communications, in any form,

171 between such individuals and the administrator or insurer of the benefits shall be
172 confidential and privileged.

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

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

186 45-25-4.

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

191 45-25-5.

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

194 45-25-6.

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

197 45-25-7.

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

205 **SECTION 3.**

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

209 "(12.5) Payments received by a first responder pursuant to subsection (b) of Code
210 Section 45-25-3, to any extent such amounts are included in the taxpayer's federal
211 adjusted gross income and are not otherwise exempt under any other provision of this
212 Code section;"

213 **SECTION 4.**

214 This Act shall become effective on January 1, 2025. Section 3 of this Act shall be applicable
215 to taxable years beginning on or after January 1, 2024.

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SECTION 5.

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