

House Bill 451 (AS PASSED HOUSE AND SENATE)

By: Representatives Seabaugh of the 34<sup>th</sup>, Kennard of the 101<sup>st</sup>, Hitchens of the 161<sup>st</sup>, Gaines of the 120<sup>th</sup>, Camp of the 135<sup>th</sup>, 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."

**SECTION 2.**

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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."

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### 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;"

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### 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.