S-1040.1

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**SUBSTITUTE SENATE BILL 5043**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Dhingra, Nobles, Conway, MacEwen, Saldaña, Lovick, Salomon, Stanford, Wagoner, J. Wilson, Shewmake, Trudeau, Valdez, Bateman, Liias, Chapman, Lovelett, Cleveland, Frame, Hasegawa, Orwall, Slatter, Wellman, and C. Wilson)

AN ACT Relating to industrial insurance coverage for posttraumatic stress disorders affecting correctional facility workers; amending RCW 51.08.142; adding a new section to chapter 51.32 RCW; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 51.08.142 and 2023 c 370 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the department shall adopt a rule pursuant to chapter 34.05 RCW that claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of occupational disease in RCW 51.08.140.

(2)(a) Except as provided in (b) and (c) of this subsection, the rule adopted under subsection (1) of this section shall not apply to occupational disease claims resulting from posttraumatic stress disorders of firefighters as defined in RCW 41.26.030(17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030(19) (b), (c), and (e), and public safety telecommunicators who receive calls for assistance and dispatch emergency services.

(b) For firefighters as defined in RCW 41.26.030(17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030(19) (b), (c), and (e) hired after June 7, 2018, and public safety telecommunicators hired after June 11, 2020, (a) of this subsection only applies if the firefighter or law enforcement officer or public safety telecommunicators, as a condition of employment, has submitted to a psychological examination administered by a psychiatrist licensed in the state of Washington under chapter 18.71 RCW or a psychologist licensed in the state of Washington under chapter 18.83 RCW that ruled out the presence of posttraumatic stress disorder from preemployment exposures. If the employer does not provide the psychological examination, (a) of this subsection applies.

(c) Posttraumatic stress disorder for purposes of this subsection and subsection((~~s (2) and~~)) (3) of this section is not considered an occupational disease if the disorder is directly attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by an employer.

(d) "Public safety telecommunicators" means individuals who receive and respond to telephone or other electronic requests for emergency assistance, such as law enforcement, fire, and medical services, and dispatch appropriate emergency responders.

(3)(a) Except as provided in this subsection, the rule adopted under subsection (1) of this section shall not apply to occupational disease claims resulting from posttraumatic stress disorders of direct care registered nurses ((~~as defined in RCW 51.32.395~~)) and correctional facility workers.

(b) The limitation in subsection (2)(c) of this section also applies to this subsection (3).

(c) This subsection (3) applies only to a direct care registered nurse or a correctional facility worker who has posttraumatic stress disorder that develops or manifests itself after the individual has been employed on a fully compensated basis as a direct care registered nurse or a correctional facility worker in Washington state for at least 90 consecutive days.

(d) For purposes of this subsection, the following definitions apply:

(i) "Direct care registered nurse" means a direct care registered nurse as defined in RCW 51.32.395.

(ii) "Correctional facility worker" means a correctional facility worker as defined in section 2 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 51.32 RCW to read as follows:

(1) In the case of correctional facility workers covered under this title who are employed on a fully compensated basis, there exists a prima facie presumption that posttraumatic stress disorder is an occupational disease under RCW 51.08.140. This section applies only to a correctional facility worker who has posttraumatic stress disorder that develops or manifests itself after the individual has been employed on a fully compensated basis as a correctional facility worker in Washington state for at least 90 consecutive days.

(2) The presumption may be rebutted by a preponderance of the evidence.

(3) The presumption extends to a claimant following termination of employment for a period of three calendar months for each year the claimant was a correctional facility worker employed on a fully compensated basis, but may not extend more than 60 months following the last date of employment.

(4)(a) When a determination involving the presumption established under this section is appealed to the board of industrial insurance appeals and the final decision allows the claim for benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the claimant or the claimant's beneficiary by the opposing party.

(b) When determination involving the presumption established under this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the claimant or his or her beneficiary by the opposing party.

(c) When reasonable costs of the appeal must be paid by the department under this section in a state fund case, the costs must be paid from the accident fund and charged to the costs of the claim.

(5) For purposes of this section, "correctional facility worker" means an employee of the department of corrections working at a correctional facility as defined in RCW 72.09.015, where persons sentenced to the jurisdiction of the department of corrections are in total confinement. "Correctional facility" under this section does not include any facility or institution operated by contract by the secretary of the department of corrections.

NEW SECTION. **Sec.**  This act takes effect January 1, 2026.

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