

CHAPTER 67

(HB 273)

AN ACT relating to professional and volunteer firefighters programs, declaring an emergency, and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 95A.210 is amended to read as follows:

As used in KRS 95A.200 to 95A.300, unless the context otherwise requires:

- (1) "Commission" means the Commission on Fire Protection Personnel Standards and Education established pursuant to KRS 95A.020;{+}
- (2) ***"Established work schedule" means a work schedule adopted by or required of a local government setting a recurring pattern for time on and off duty for professional firefighters employed by the local government. An established work schedule includes but is not limited to a schedule of twenty-four (24) consecutive hours on duty, followed by forty-eight (48) consecutive hours off duty;***
- (3) ***"Executive director" means the executive director of the Commission on Fire Protection Personnel Standards and Education;***
- (4) "Fund" means Firefighters Foundation Program Fund;{+}
- (5){(3)} "Local government" means any city, county, urban-county government, charter county government, unified local government, consolidated local government, or any combination thereof of the Commonwealth;{+}
- (6){(4)} "Professional firefighter" means any member of a paid municipal fire department organized under KRS Chapter 95, 67A, or 67C, a fire protection district organized under KRS Chapter 75, or a county fire department created pursuant to KRS Chapter 67;{+}
- (7) ***"Program" means Alan "Chip" Terry Professional Development and Wellness Program for firefighters established in Section 2 of this Act;***
- (8){(5)} "Scheduled overtime" means work by a professional firefighter in excess of forty (40) hours per week which regularly recurs as part of an established work schedule; ***and***{+}
- (9){(6)} "Unscheduled overtime" means work by a professional firefighter in excess of forty (40) hours per week which does not regularly recur as part of an established work schedule{-}
- ~~(7) "Established work schedule" means a work schedule adopted by or required of a local government setting a recurring pattern for time on and off duty for professional firefighters employed by the local government. An established work schedule includes but is not limited to a schedule of twenty four (24) consecutive hours on duty, followed by forty eight (48) consecutive hours off duty}.~~

➔SECTION 2. A NEW SECTION OF KRS 95A.200 TO 95A.300 IS CREATED TO READ AS FOLLOWS:

- (1) ***The commission shall establish the Alan "Chip" Terry Professional Development and Wellness Program for firefighters.***
- (2) ***The program shall:***
 - (a) ***Use seminar-based peer support and counseling services designed to reduce negative mental and behavioral health outcomes; and***
 - (b) ***Be offered to Kentucky professional and volunteer firefighters in Kentucky at least two (2) times each calendar year.***
- (3) ***On a limited basis, the program may be offered to professional and volunteer firefighters from states other than Kentucky upon application to and approval by the executive director. However, no Kentucky professional and volunteer firefighters may be denied admission to the program if professional and volunteer firefighters from another state are admitted to the program.***

- (4) *The commission shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section. The administrative regulations shall address, at a minimum:*
- (a) *The required qualifications and duties of any person used by the commission to implement or administer the program;*
 - (b) *The curriculum, programming, seminar type, and treatment modalities used in the program;*
 - (c) *The extent to which a participating firefighter's relatives or friends may participate in seminars;*
 - (d) *The standards by which professional and volunteer firefighters from other states may be accepted into the program by the executive director; and*
 - (e) *A protocol for establishing reciprocity for interagency assistance with other state, federal, and tribal professional and volunteer firefighters in administering the program.*
- (5) (a) *Except as provided in paragraphs (b) and (c) of this subsection, communications, identifying data, and any reports made in the application for or in the course of a firefighter's participation in the program shall be confidential and privileged from disclosure in any civil or criminal proceeding and shall not be subject to discovery, disclosure, or production upon the order or subpoena of a court or other agency with subpoena power, regardless of who possesses them. The participating firefighter is the holder of the privilege.*
- (b) *The commission may use anonymous data for research, statistical analysis, and educational purposes.*
 - (c) *Any communication making an actual threat of physical violence against a clearly identified or reasonably identifiable victim or an actual threat of some specific violent act may be revealed by the program in order to prevent the commission of any physical violence or violent act using the protocol established in KRS 202A.400.*
- (6) (a) *There is hereby established in the State Treasury a restricted fund to be known as the professional and volunteer firefighters professional development and wellness program fund.*
- (b) *The fund shall consist of moneys received from the Firefighters Foundation Program Fund established in KRS 95A.220, grants, gifts, state appropriations, and federal funds.*
 - (c) *The fund shall be administered by the commission.*
 - (d) *Amounts deposited in the fund shall be used only for administration of the program.*
 - (e) *Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.*
 - (f) *Any interest earnings of the fund shall become a part of the fund and shall not lapse.*
 - (g) *Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.*

➔Section 3. Whereas the overall health and well-being of professional and volunteer firefighters in the Commonwealth of Kentucky are critically important for public safety, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 25, 2019.