



# James 'Dustin' Samples Act

## Public Chapter 465

## Report with Recommendations for Tennessee

## Municipalities, Revised 2025

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## Introduction

In collaboration with the Tennessee Fire Service Coalition and the Tennessee Professional Firefighters Association, the 113<sup>th</sup> Tennessee General Assembly passed HB0976/SB0856 on April 21, 2023. Governor Bill Lee signed the legislation on May 17, 2023. Known as the “James ‘Dustin’ Samples Act” (Act), this legislation became effective on May 17, 2023, for purposes and promulgating rules and became effective on January 1, 2024, for all other purposes. The legislation amended Tennessee Code Annotated (T.C.A.) Title 7, Chapter 51, Part 2, and Title 50, Chapter 6, Part 1. Tennessee is one of at least twenty-five states in the United States that have enacted similar legislation. In 2025, the 114<sup>th</sup> Tennessee General Assembly passed HB0310 (substituted for SB0289) to amend the Act.

The Act is named for Captain James “Dustin” Samples, who worked with the Cleveland, Tennessee Fire Department. Captain Samples was known as a resolute fire service professional. Captain Samples suffered from post-traumatic stress disorder (PTSD) related to his more than 21 years of service as a fire service professional. Though Captain Samples lost his battle with PTSD in 2020, he never lost his passion for the fire service or fellow firefighters.

Dustin Samples’ wife, Jennifer Samples (Cleveland police officer), said, “The act honors my husband by helping firefighters cope with the same struggles he experienced. It sends a big message saying that, you know, the state, the politicians, the whole state in general, understands that the danger of firefighting is not just the physical dangers they face in the street of burns and stress that injures the body, but the toll is even heavier on the mind.” Jennifer Samples also said, “Well, on Dec. 11, 2020, his career did come to an end. And so did life as me and my children knew it,” “You see, PTSD doesn’t just affect the firefighter; it affects the whole family: moms and dads, brothers and sisters, spouses and kids. I have two beautiful little girls who now won’t get to attend their daddy-daughter dances or have him walk them down the aisle. No, PTSD stole that too.” (Chattanooga Times Free Press, 2022)

## Summary

The Act was initially passed unanimously in the Tennessee State House of Representatives (95-0 vote) and the Tennessee State Senate (30-0 vote). The preamble to the initial Act recognized that the fire service has expanded to more than fighting fires and includes “emergency medical response, incidents involving hazardous materials, vehicle extrication, mass casualty incidents, disaster relief, search and rescue, and active shooter incidents.” The General Assembly recognized that the incident of suicide has become an epidemic in the fire service and enacted the law to benefit fire departments, stating, “By providing firefighters with PTSD treatment, employers will realize financial savings by not having to replace and retrain new firefighters.”

The Act established a rebuttable presumption that eligible firefighters (and law enforcement officers and emergency medical responders as of July 1, 2025) that have been diagnosed with PTSD by a mental health provider because of responding to one or more incidents with at least one of the factors listed in the Act are presumed to have incurred PTSD in the line-of-duty, and such PTSD is compensable under the Workers' Compensation Law compiled in Title 50, Chapter 6 of the Tennessee Code. The presumption is rebuttable if it is shown by a preponderance of the evidence that the cause of PTSD was non-service-connected risk factors or non-service-connected exposure.

The Tennessee Department of Labor and Workforce Development is authorized to promulgate rules to effectuate this Act. The Act also requires the Tennessee Department of Labor and Workforce Development to establish and administer a grant program to mitigate the costs to an employer of providing workers' compensation for firefighters diagnosed with PTSD by a mental health professional. The Act repeals this grant process on December 31, 2028. Costs to employers for providing workers' compensation for law enforcement officers or emergency medical responders are not covered by the grant program established by the Act.

It expressly authorizes the awarding of grants to employers or to the workers' compensation benefits providers of employers who apply for a grant as long as the employing fire department provides mental health awareness training for its personnel that includes training on the following topics:

- Understanding the signs and symptoms of stress, depression, anxiety, psychological trauma, complex trauma, and addiction;
- Understanding, navigating, and reducing mental health stigma;
- Utilizing appropriate de-escalation strategies; and
- Managing stress, using self-care techniques, developing coping skills, and promoting resiliency.

The Tennessee State Fire Marshal's Office must verify mental health awareness training compliance. Employers may use a training program developed by another entity that satisfies these requirements. For example, if MTAS develops this training, covered fire departments may use such training for compliance with this requirement. A firefighter who receives mental health awareness training shall be granted continuing education credits for such training.

An amendment to the James "Dustin" Samples Act was passed by the Tennessee House of Representatives on April 22, 2025, with a vote of 91 Ayes and 1 No vote. The Tennessee State Senate passed the amendment with a vote of 33 Ayes and 0 No votes. Governor Lee signed the 2025 amended Act with an effective date of July 1, 2025.

## Summary of the 2025 Amendment

On April 22, 2025, the 114th Tennessee General Assembly passed House Bill 0310 (substituted for Senate Bill 0289), published as Public Chapter 480, amending T.C.A. § 7-51-206 to expand the Act to also cover law enforcement officers and emergency medical responders. In the Act, "emergency medical responders" are defined as emergency medical technicians, technician-paramedics, or paramedics, and "law enforcement officers" are defined as individuals employed by this state or a local government as members of a law enforcement agency whose primary responsibility is the prevention and detection of crime and the apprehension of offenders. These changes to the Act are effective July 1, 2025. They did not apply to the associated grant program. The new language does not extend the Tennessee Department of Labor grant program to include employers of law enforcement officers or emergency medical responders.

## MTAS Recommendations

MTAS recommends that employers proactively educate their covered firefighters, law enforcement officers, and emergency medical responders about the mental health provisions of the "James 'Dustin' Samples Act." Employers should consistently prioritize mental and behavioral health education, awareness, and treatment in their organization.

Detailed information regarding Public Chapter No. 480 that amended the Act can be found at [pc0480.pdf](#).

Consistent, proactive mental and behavioral health care may go a long way toward preventing these disorders. One strategy to work towards preventing PTSD for municipal firefighters and emergency medical workers is to comply with the "Tennessee Public Safety Behavioral Health Act" codified at [T.C.A. § 8-50-119](#).

To be compliant with this law, employers must:

- Provide not less than ten (10) visits or sessions with a mental health service provider to treat PTSD through the employee's health benefits or otherwise. Public safety employers may require a co-pay or co-insurance for these visits that are no more than co-pays or co-insurance for other health benefits offered by the employer;
- Promote the use of a mental health service provider and other behavioral health professionals to public safety employees;
- Establish, in conjunction with a mental health service provider, support programs to mitigate behavioral health issues within the public safety employee community; and
- Maintain and regularly provide public safety employees with, at least once per year, a list of mental health service providers qualified to provide trauma therapy.

- This law prohibits employers from retaliating against employees for seeking or utilizing mental health service providers or behavioral health programs. The law requires the mental health service provider providing services to public safety employees to “participate in training, within the jurisdiction in which the public safety employees work, that familiarizes the provider with the unique problems associated with each public safety profession lifestyle, including, but not limited to, critical incident response training, critical incident stress management, field exercises such as ride-a-longs and visits to fire and emergency medical services (EMS) stations, and similarly appropriate training.”

## **What is the James “Dustin” Samples Act?**

The “James ‘Dustin’ Samples Act” is legislation that amends T.C.A. Title 7, Chapter 51, Part 2, and Title 50, Chapter 6. The Act provides that when an eligible firefighter, law enforcement officer, or emergency medical responder is diagnosed with PTSD, the injury may be compensable under the workers’ compensation law. The “James “Dustin” Samples Act” is similar to the Barry Brady Act (T.C.A. 7-51-201) which only applies to firefighters. That is, both laws create rebuttable presumptions that a diagnosis is related to work activity and is a compensable work-related injury. If it can be shown by a preponderance of the evidence that the covered employee’s PTSD was caused by non-service-connected risk factors or non-service-connected exposure, the presumption may be overcome by the employer.

## **Effective Date of Act**

The Act was initially passed on April 21, 2023. The Act became effective for promulgating rules on May 17, 2023, and became effective on January 1, 2024, for all other purposes.

The 114th General Assembly amended the Act in 2025, becoming effective July 1, 2025, with the passage of HB0482 and SB0467 and publishing it as Public Chapter 480, to add certain law enforcement officers and emergency medical responders to the already covered firefighters. This Act continues to honor the life and legacy of Captain James “Dustin” Samples.

## **Definitions**

As used in the Act or Amendments:

- Employer-  
(A) A municipality, county, metropolitan form of government, or other political subdivision of this state that employs firefighters, law enforcement officers, or emergency medical responders;

(B) This state or an agency of this state for purposes of employment of a law enforcement officer;

- Emergency Medical Responder-  
(A) Means an emergency medical technician, emergency medical technician-paramedic, or paramedic;
- Fire department-  
(A) A department of a municipality, county, or political subdivision, or an organization, agency, or entity that offers its services, for or without pay, for the purpose of suppressing fires, performing rescue services, or for other emergency response purposes; and  
(B) Does not include law enforcement agencies, emergency medical agencies licensed by the Tennessee emergency medical services board, and rescue squads that do not provide fire protection;
- Firefighter-  
(A) Means a regular or full-time, paid employee of the fire department of a municipality, county, municipal form of government, or other political subdivision of this state whose duties require the employee to actively engage in fire suppression, rescue services, or other emergency response tasks; and  
(B) Includes employees whose previous duties required the employee to respond to and be actively engaged in fire suppression, rescue services, or other emergency response tasks;
- In the line of duty-means in the course of employment and the actual discharge of the duties of the position;
- Law Enforcement Officer-  
(A) Means an individual employed by this state or a local government as a member of a law enforcement agency whose primary responsibility is the prevention and detection of crime and the apprehension of offenders;
- Mental health professional-means an individual professionally licensed in this state to diagnose and treat post-traumatic stress disorders;
- Minor-an individual who has not attained eighteen (18) years of age;  
Post-traumatic stress disorder-the same meaning as defined in the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association;
- Serious bodily injury- Bodily injury that involves:  
(A) A substantial risk of death;  
(B) Protracted unconsciousness;

- (C) Extreme physical pain;
- (D) Protracted or obvious disfigurement; or
- (E) Protracted loss or substantial impairment of a bodily member, organ, or mental faculty.

## **Eligibility Requirements**

To be eligible for the Act's PTSD presumption, a firefighter, law enforcement officer, or emergency medical responder:

- Must be a covered employee of a municipality, county, municipal form of government, or other political subdivision of this state that employs firefighters, law enforcement officers, or emergency medical responders.
  - For firefighters, employees whose previous duties required the employee to respond to and be actively engaged in fire suppression, rescue services, or other emergency response tasks are included.
  - For law enforcement officers, the state or an agency of the state is included as an employer.
- Must have been exposed to a minimum of one of the following factors:
  - Directly witnessing the death of a minor or treating the injury of a minor who subsequently died before or upon arrival at a hospital emergency department;
  - Directly witnessing an individual whose death involved a serious bodily injury of a nature that shocks the conscience;
  - Responding to an event where there was a victim with a serious bodily injury that shocks the conscience; or
  - Responding to an event where a responder, co-worker of a responder, or family member of a responder sustained a serious bodily injury or died.

## **Is a Firefighter, Law Enforcement Officer, or Emergency Medical Responder Automatically Covered if All Eligibility Requirements are Met?**

Yes, but a workers' compensation claim related to the Act must be made and that claim is rebuttable by a preponderance of the evidence. The employer can rebut a covered employee's claim by arguing that the firefighter, law enforcement officer, or emergency medical responder suffers from PTSD due to "non-service-connected risk factors or non-service-connected exposure."



## **If the Presumption Is Not Rebutted, Who Pays for the Benefits Provided Under the Workers' Compensation Law?**

The Act requires the Department of Labor and Workforce Development/Bureau of Worker's Compensation to establish and administer a grant program to mitigate the costs to an employer of providing workers' compensation for firefighters diagnosed with PTSD by a mental health professional. However, an employer must apply for the grants and meet specific criteria to obtain a grant. It should be noted that the grant program does not extend to employers for law enforcement officers or emergency medical workers diagnosed with PTSD. In those circumstances where a grant is not obtained or is not applicable, and the employer cannot rebut the presumption, the employer will be solely responsible for the cost of providing services and benefits when the employer has opted to be subject to the Workers' Compensation Law compiled in Title 50, Chapter 6 of the Tennessee Code.

## **How Long Are Firefighters, Law Enforcement Officers, and Emergency Medical Responders Eligible?**

The Act extends applicability to covered employees diagnosed with PTSD within one (1) year of their final date of employment with their employer.

## **Conclusion**

Firefighters, law enforcement officers, and emergency medical responders provide vital public safety services. These jobs bring many inherent hazards that can cause serious physical and emotional injuries, including death. The James "Dustin" Samples Act establishes a legal rebuttable presumption that firefighters, law enforcement officers, or emergency medical responders who acquire PTSD did so due to their work. As such, the injury may be covered by workers' compensation. To mitigate the costs of the benefits and services provided to eligible employees diagnosed with PTSD and protect the mental health and well-being of all those in the fire, law enforcement, and emergency medical services, employers should hold mental and behavioral health as a top priority by routinely promoting mental and behavioral health training and initiatives in the workplace.

## Questions or Assistance

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## Additional Resources

Tennessee Public Chapter 465

Hyperlink: <https://publications.tnsosfiles.com/acts/113/pub/pc0465.pdf>

Tennessee Public Chapter 480

Hyperlink: <https://publications.tnsosfiles.com/acts/114/pub/pc0480.pdf>

International Association of Fire Chiefs-Yellow Ribbon Report

Hyperlink: <https://www.iafc.org/docs/default-source/1vcos/20211103-iafc-yellow-ribbon-report.pdf>

CDC/NIOSH Blog

Hyperlink: <https://blogs.cdc.gov/niosh-science-blog/2023/03/15/preventing-workplace-suicide/>

TN Department of Labor Post-Traumatic Stress Disorder Grant Application

Hyperlink: <https://www.tn.gov/content/dam/tn/workforce/documents/injuries/bureau-services-forms/firefighter-ptsd-grant-application.pdf>

