

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate  
2 Bill No. 1, Page 4-5, Section 287.067, Lines 1-45, by deleting all of said section and lines from the bill and  
3 insert in lieu thereof the following:  
4

5 "287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a  
6 different meaning is clearly indicated by the context, an identifiable disease arising with or without human  
7 fault out of and in the course of the employment. Ordinary diseases of life to which the general public is  
8 exposed outside of the employment shall not be compensable, except where the diseases follow as an incident  
9 of an occupational disease as defined in this section. The disease need not to have been foreseen or expected  
10 but after its contraction it must appear to have had its origin in a risk connected with the employment and to  
11 have flowed from that source as a rational consequence.

12 2. An injury by occupational disease is compensable only if the occupational exposure was the  
13 prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is  
14 defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition  
15 and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by  
16 the normal activities of day-to-day living shall not be compensable.

17 3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this  
18 chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure  
19 was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing  
20 factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical  
21 condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by  
22 aging or by the normal activities of day-to-day living shall not be compensable.

23 4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of  
24 this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to  
25 harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

26 5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is  
27 hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or  
28 exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or  
29 radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing  
30 radiation.

31 6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or  
32 cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of  
33 this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen,  
34 of paid firefighters of a paid fire department or paid police officers of a paid police department certified under  
35 chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire  
36 department or paid peace officers of a police department who are certified under chapter 590 if a direct causal  
37 relationship is established.

38 7. Any employee who is exposed to and contracts any contagious or communicable disease arising  
39 out of and in the course of his or her employment shall be eligible for benefits under this chapter as an  
40 occupational disease.

41 8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive  
42 motion which is found to be the cause of the injury is for a period of less than three months and the evidence

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing  
 2 factor in causing the injury, the prior employer shall be liable for such occupational disease."; and

3  
 4 Further amend said bill, Page 24, Section 287.220, Line 192, by inserting after all of said section and line the  
 5 following:

6  
 7 "287.243. 1. This section shall be known and may be cited as the "Line of Duty Compensation Act".

8 2. As used in this section, unless otherwise provided, the following words shall mean:

9 (1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections  
 10 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of  
 11 health and senior services, division of regulation and licensure, 19 CSR 30-40.005, et seq.;

12 (2) "Air ambulance registered professional nurse", a person licensed as a registered professional nurse  
 13 in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of  
 14 nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in  
 15 conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245  
 16 and the corresponding regulations applicable to such programs;

17 (3) "Emergency medical technician", a person licensed in emergency medical care in accordance with  
 18 standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and  
 19 senior services under sections 190.001 to 190.245;

20 (4) "Firefighter", any person, including a volunteer firefighter, employed by the state or a local  
 21 governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a  
 22 member or officer of a fire department either for the purpose of the prevention or control of fire or the  
 23 underwater recovery of drowning victims;

24 (5) "Killed in the line of duty", when [a person defined in this section] any law enforcement officer,  
 25 emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or  
 26 firefighter loses [one's] his or her life as a result of an injury received in the active performance of [his or her  
 27 duties within the ordinary scope of] duties in his or her respective profession [while the individual is on duty  
 28 and but for the individual's performance, death would have not occurred], if the death occurs as a natural and  
 29 probable consequence of the injury or disease caused by the accident or violence of another within three  
 30 hundred weeks from the date the injury was received and if that injury arose from violence of another or  
 31 accidental cause subject to the provisions of this subdivision. The term excludes death resulting from the  
 32 willful misconduct or intoxication of the law enforcement officer, emergency medical technician, air  
 33 ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter. The division of  
 34 workers' compensation shall have the burden of proving such willful misconduct or intoxication. For law  
 35 enforcement officers, emergency medical technicians, air ambulance pilots, air ambulance registered  
 36 professional nurses, paramedics, and firefighters, the term shall include the death caused as a result of a willful  
 37 act of violence committed by a person other than the officer, emergency medical technician, air ambulance  
 38 pilot, air ambulance registered professional nurse, paramedic, or firefighter, and a relationship exists between  
 39 the commission of such act and the individual's performance of his or her duties as a law enforcement officer,  
 40 emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or  
 41 firefighter, regardless of whether the injury is received while the individual is on duty; or the injury is received  
 42 by a law enforcement officer while he or she is attempting to prevent the commission of a criminal act of  
 43 another person or attempting to apprehend an individual suspected of committing a crime, regardless of  
 44 whether the injury is received while the individual is on duty as a law enforcement officer; or the injury is  
 45 received by the individual while traveling to or from his or her employment or during any meal break, or other  
 46 break, which takes place during the period in which the law enforcement officer, air ambulance pilot, air  
 47 ambulance registered professional nurse, emergency medical technician, paramedic, or firefighter, is on duty;

48 (6) "Law enforcement officer", any person employed by the state or a local governmental entity as a  
 49 police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some  
 50 like position involving the enforcement of the law and protection of the public interest at the risk of that  
 51 person's life;

52 (7) "Local governmental entity", includes counties, municipalities, townships, board or other political  
 53 subdivision, cities under special charter, or under the commission form of government, fire protection  
 54 districts, ambulance districts, and municipal corporations;

1 (8) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions,  
2 authorities, and colleges and universities;

3 (9) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who  
4 is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or  
5 control of fire or the underwater recovery of drowning victims, the members of which are under the  
6 jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district.  
7 Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled  
8 as a firefighter.

9 3. (1) A claim for compensation under this section shall be filed by the estate of the deceased with  
10 the division of workers' compensation not later than one year from the date of death of a law enforcement  
11 officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or  
12 firefighter. If a claim is made within one year of the date of death of a law enforcement officer, emergency  
13 medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter killed in the  
14 line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation  
15 under this section. (2) The amount of compensation paid to the claimant shall be twenty-five thousand  
16 dollars, subject to appropriation, for death occurring on or after June 19, 2009.

17 4. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless  
18 a claim is filed within the time specified under this section setting forth:

19 (1) The name, address, and title or designation of the position in which the law enforcement officer,  
20 emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter  
21 was serving at the time of his or her death;

22 (2) The name and address of the claimant;

23 (3) A full, factual account of the circumstances resulting in or the course of events causing the death  
24 at issue; and

25 (4) Such other information that is reasonably required by the division."; and

26  
27 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.