

FIRST REGULAR SESSION

HOUSE BILL NO. 98

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BROWN (30) (Sponsor),
SATER AND WILDBERGER (Co-sponsors).

Pre-filed December 16, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0555L.011

AN ACT

To repeal section 287.067, RSMo, and to enact in lieu thereof one new section relating to occupational diseases.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 287.067, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 287.067, to read as follows:

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

2. An occupational disease is compensable if it is clearly work related and meets the requirements of an injury which is compensable as provided in subsections 2 and 3 of section 287.020. An occupational disease is not compensable merely because work was a triggering or precipitating factor.

3. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of
16 producing occupational deafness.

17 4. "Radiation disability" is recognized as an occupational disease for purposes of this
18 chapter and is hereby defined to be that disability due to radioactive properties or substances or
19 to Roentgen rays (X rays) or exposure to ionizing radiation caused by any process involving the
20 use of or direct contact with radium or radioactive properties or substances or the use of or direct
21 exposure to Roentgen rays (X rays) or ionizing radiation.

22 5. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the
23 heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases
24 for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases,
25 carcinogens, inadequate oxygen, or psychological stress of firefighters of a paid fire department
26 **and peace officers certified under chapter 590, RSMo**, if a direct causal relationship is
27 established.

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

31 7. With regard to occupational disease due to repetitive motion, if the exposure to the
32 repetitive motion which is found to be the cause of the injury is for a period of less than three
33 months and the evidence demonstrates that the exposure to the repetitive motion with a prior
34 employer was the substantial contributing factor to the injury, the prior employer shall be liable
35 for such occupational disease.