

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 289, Page 2, Section 287.037, Line 32, by inserting after all of said line
2 the following:

3
4 "287.067. 1. (1) In this chapter the term "occupational disease" is hereby defined to mean,
5 unless a different meaning is clearly indicated by the context, an identifiable disease arising with or
6 without human fault out of and in the course of the employment. Ordinary diseases of life to which
7 the general public is exposed outside of the employment shall not be compensable, except where the
8 diseases follow as an incident of an occupational disease as defined in this section. The disease
9 need not to have been foreseen or expected but after its contraction it must appear to have had its
10 origin in a risk connected with the employment and to have flowed from that source as a rational
11 consequence.

12 (2) For purposes of this section, "hazardous duty" has the same meaning given to the term
13 under 5 CFR 550.902, as amended.

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

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

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

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

36 6. (1) Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the

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1 heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for
2 the purposes of this chapter and are defined to be disability due to exposure to smoke, gases,
3 carcinogens, inadequate oxygen, of paid or volunteer firefighters of a [paid] fire department or paid
4 police officers of a paid police department certified under chapter 590 if a direct causal relationship
5 is established, or psychological stress of firefighters of a [paid] fire department or paid peace
6 officers of a police department who are certified under chapter 590 if a direct causal relationship is
7 established.

8 (2) (a) Cancer contracted by a firefighter shall be presumed as an occupational disease if:

9 a. The firefighter is a paid or volunteer firefighter who has been assigned to at least five
10 years of hazardous duty as a firefighter;

11 b. The firefighter was exposed to an agent classified by the International Agency for
12 Research on Cancer or its successor organization as a group 1 or 2A carcinogen;

13 c. Twenty years have not elapsed since the firefighter was last assigned to hazardous duty as
14 a firefighter; and

15 d. The firefighter is not seventy years of age or older.

16 (b) The presumption described in paragraph (a) of this subdivision shall be rebuttable if:

17 a. There is evidence that the firefighter's exposure to cigarettes, tobacco products, or other
18 conditions presenting an extremely high risk for the development of the cancer alleged more than
19 likely was a significant factor in the cause of progression of the cancer, and such exposure occurred
20 outside the scope of employment as a firefighter;

21 b. There is evidence that the firefighter was not exposed to an agent classified by the
22 International Agency for Research on Cancer as a group 1 or 2A carcinogen; or

23 c. There is evidence that the firefighter incurred the type of cancer alleged before becoming
24 a member of the fire department.

25 (c) Compensation for cancer contracted by a firefighter in the course of hazardous duty
26 under paragraph (a) of this subdivision shall be payable only in the event of temporary total
27 disability, permanent total disability, or death, in accordance with sections 287.170, 287.200, and
28 287.230.

29 (d) This subdivision shall apply to paid and volunteer firefighters of all fire departments of
30 all counties, cities, towns, fire districts, and other political subdivisions.

31 (e) This subdivision shall apply only to claims arising on or after August 28, 2017.

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

35 8. With regard to occupational disease due to repetitive motion, if the exposure to the
36 repetitive motion which is found to be the cause of the injury is for a period of less than three
37 months and the evidence demonstrates that the exposure to the repetitive motion with the immediate
38 prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for
39 such occupational disease."; and

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